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ABSTRACT

This document reviews the impact of the Aguilar v. Felton Supreme Court decision requiring that Chapter 1 compensatory education services must not be delivered to students in private sectarian schools. The focus is on how these services have been implemented in such schools. Fifteen school districts were surveyed for demographic data, comments from school officials, types of service delivery methods, and the effects of the method on program participation. The findings yielded the following factors that affect Chapter 1 service delivery for private school students: (1) cost of the service; (2) availability of facilities; (3) amount of time the students may lose from their regular classroom work; (4) parent reactions, especially where safety is concerned; and (5) uncertainty about which methods are legal. The criteria for selecting Chapter 1 students remain as they were before the Aguilar decision, but the costs have increased. Case studies are presented in the appendix and data on individual locations are presented on tables. (VM)

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United States General Accounting Office

GAO

Briefing Report to the Subcommittee on Elementary, Secondary, and Vocational Education, Committee on Education and Labor, House of Representatives

September 1987

ED288950

# COMPENSATORY EDUCATION

# Chapter 1 Services Provided to Private Sectarian School Students

UD025933

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**United States**
**General Accounting Office**
**Washington, D.C. 20548**

**Human Resources Division**

B-228853

September 21, 1987

The Honorable Augustus F. Hawkins, Chairman
The Honorable William F. Goodling, Ranking Minority Member
Subcommittee on Elementary,
  Secondary, and Vocational Education
Committee on Education and Labor
House of Representatives

This briefing report responds to your September 17, 1986, request for information concerning the Supreme Court's Aguilar v. Felton decision. This July 1, 1985, decision held that the most commonly used method to serve private sectarian school students under Chapter 1--sending public Chapter 1 teachers into private sectarian (religiously affiliated) schools to teach--violated the establishment of religion clause of the First Amendment and was therefore unconstitutional.

To obtain the requested information, we reviewed the impact of the Aguilar decision on 15 school districts that varied in size, geographic setting, and number of students attending private sectarian schools. We met with state, district, and private sectarian school officials to obtain their views on the decision's immediate and future impact, the processes used to adopt new service delivery methods, and the effect the new delivery methods have had on program participation. Department of Education officials also provided information regarding their role in implementing the decision.

Our review and a national survey by the Department of Education indicate that districts across the country generally settled on one or more of several common service delivery methods--public schools, neutral sites (stores, houses, libraries, etc.), mobile vans, portable classrooms, and computers. Implementing new service delivery methods was costly. The number of private sectarian students served in the 15 districts dropped from 28,880 in school year 1984-85 to 15,145 in school year 1985-86, but rose to 21,566 in school year 1986-87.

## BACKGROUND

Chapter 1 of the Education Consolidation and Improvement Act provides nearly $4 billion per year to states and school districts to help meet the special educational needs of disadvantaged children, including those in private sectarian schools. In August 1985, the Department of Education issued initial guidance on the only two methods (public schools and neutral sites) that it considered in compliance with the Supreme Court decision. In June 1986, the Department of Education supplemented its guidance, allowing the use of computer-assisted instruction and mobile vans or other portable units located on public or leased property on or near the grounds of private sectarian schools.

To pay for increases in capital expenses because of the Aguilar decision, the House of Representatives included a provision in H.R. 5 (the School Improvement Act of 1987) to reimburse school districts for increased capital expenses they incurred since July 1, 1985. This bill, passed by the House on May 21, 1987, authorizes an additional $30 million in funding for fiscal year 1988 and such sums as may be necessary for fiscal years 1989 through 1993 to pay for capital expenses. Such expenses include expenditures for the purchase, lease, or renovation of real and personal property; insurance and maintenance costs; transportation; and other comparable goods and services. These additional funds are intended to help needy districts restore Chapter 1 services to their pre-Aguilar levels and quality.

## INITIAL IMPACT OF THE DECISION

After the Aguilar decision, 10 of the 15 districts we visited initially spent an additional $7.3 million in Chapter 1 funds to provide Chapter 1 services to private sectarian school students. They expected recurring annual costs of about $1.9 million to continue providing Chapter 1 services using new service delivery methods. From a local perspective, these amounts are significant because Chapter 1 funds used to implement new delivery methods have to be taken from the local Chapter 1 grant, decreasing funding available to serve students and consequently the number of students served.

Of the 15 districts we visited, only 6 provided uninterrupted Chapter 1 services to private sectarian school students in the two school years following the Aguilar decision. Contributing to this situation were the short time available to comply with the decision and the limited guidance provided by the Department of Education on service delivery methods. Several districts initially obtained court orders permitting them to continue providing services in nonpublic schools.

## NEW SERVICE DELIVERY METHODS

Local officials told us the most common reasons for selecting or rejecting methods were the cost of implementation, the availability of an acceptable alternative classroom setting, the amount of classtime students lost in transit, the lead time needed for implementation, the methods' acceptability to parents, and uncertainty about their legality.

During the 1985-86 school year, each of the 15 school districts considered or attempted to use public schools or neutral sites. However, only three used them to serve most or all of their students. Most districts eventually rejected both methods entirely (or used them sparingly) because nearby buildings were unavailable or because parents objected to their children leaving the private school. Neutral sites were also rejected because renovation costs to meet local building codes for classroom buildings were considered excessive.

Six districts used mobile vans because they were quickly available and, in 3 of the 6 districts, less costly than other methods. For the Ohio school districts, vans were already available. The Philadelphia school district considered vans too costly, but eventually selected them after other methods were rejected. In addition, beginning in school year 1986-87, Cleveland, Detroit, and Los Angeles began using portable classrooms erected on the grounds of the private sectarian schools. Johnstown began using portable classrooms before the 1985-86 school year ended.

The use of computer technology as an alternative instruction method has also become more common. The Department of Education survey found that the percentage of private school students receiving all or part of their Chapter 1 instruction through the use of technology increased from 2 percent in school year 1984-85 to 17 percent in school year 1986-87.

## OPINIONS OF STATE AND LOCAL OFFICIALS

Chapter 1 program officials told us that the Supreme Court decision negatively affected the number of students participating in the program and increased program costs. The officials indicated that the decision also increased their administrative workload and caused private school students to lose valuable instructional time.

In most school districts we visited, both public and private school officials believed that appropriate individuals participated in selecting and implementing new service delivery methods. However, we found that parents of private school students were usually not formally represented by parental advisory groups in discussions concerning selection of an alternative service delivery method. Instead parents provided comments to their school principal. Most of the principals at the private schools we visited believed the instruction method being used was the best available alternative for providing Chapter 1 services.

**FUNDING IMPLICATIONS**

Although several of the 15 school districts we visited are large, they are a small fraction of the estimated 3,100 districts that provide Chapter 1 services to private sectarian school students. Nevertheless, 10 of these 15 districts spent about $9.2 million more in school years 1985-86 and 1986-87 to provide such services. This is a significant portion of the $30 million additional funding proposed by H.R. 5 for fiscal year 1988 funding to reimburse school districts for increased capital expenses incurred since the Court's decision. The total additional costs incurred by fiscal year 1988 for capital expenses may greatly exceed the fiscal year 1988 additional funding authorized by H.R.5.

- - - - -

As requested by your office, we did not obtain official comments from the Department of Education or the 15 school districts included in our review. We did, however, discuss our principal findings with knowledgeable Department of Education officials and responsible local school officials. Their comments have been incorporated where appropriate.

We are sending copies of this briefing report to the Department of Education and the 15 school districts we analyzed as well as the education agencies in the six states where they are located. We will also send copies to other interested parties and make copies available to others on request.

Should you wish to discuss the information provided, please call me on 275-5365.

William J. Gainer

William J. Gainer
Associate Director

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## COMPENSATORY EDUCATION
## Chapter 1 Services to Private Sectarian School Students

### BACKGROUND

Chapter 1 of the Education Consolidation and Improvement Act of 1981 gives federal aid to state and local education agencies to help meet the special educational needs of disadvantaged children. The Chapter 1 program is the largest federal elementary and secondary school aid program, distributing over $3.9 billion to states and local school districts in school year 1986-87. Since its inception in 1965, as Title 1 of the Elementary and Secondary Education Act, the program has required that school districts give Chapter 1 services to eligible children whether they attend public or nonpublic schools, including private sectarian schools. During school year 1986-87, the Chapter 1 program served 5 million public school students and 131,000 nonpublic school students, of whom 126,000 attended private sectarian (or religiously affiliated) schools.

### AGUILAR V. FELTON

On July 1, 1985, a Supreme Court decision changed the manner in which Chapter 1 services could be provided to private sectarian school students. In school year 1984-85, 177,000 private sectarian school students received Chapter 1 services. In Aguilar v. Felton, the court held that the most commonly used method to serve private sectarian school children under Chapter 1--sending public school Chapter 1 teachers into private sectarian schools to teach--violated the establishment of religion clause of the First Amendment and was therefore unconstitutional.

At issue in this case was the Chapter 1 support of supplemental courses taught by public teachers on the premises of private schools, most of which were sectarian. The City of New York provided a variety of programs, including remedial reading and math, English as a second language, and guidance counseling, to eligible children attending private schools. These services were provided by public school employees on the premises of the sectarian schools in classrooms free of religious symbols, by full-time employees of the public schools system, and with materials and equipment purchased by the public school system. In its July 1985 decision, the Supreme Court held all of these programs unconstitutional because of the excessive entanglement of church and state affairs. After 20 years of experience with the Chapter 1 program, local school districts had to find new methods of delivering services to disadvantaged children in private sectarian schools.

## GUIDANCE FROM THE DEPARTMENT OF EDUCATION

In August 1985, the Department of Education issued guidance on the decision in the form of 23 questions and answers on how to comply with the ruling. Public schools and neutral sites were the only service delivery methods specifically mentioned in the guidance as allowable. In June 1986, the Department issued supplemental guidance based on issues raised during the year by state and local officials and other interested parties, which specifically allowed the use of mobile vans or other portable units and computer-assisted instruction. This guidance made mobile vans or portable units on public property near the private school acceptable whereas the constitutionality of placing them on property belonging to a religiously affiliated private school was less clear, but possibly permissible under the following conditions:

-- The property is far enough from private school buildings that the mobile van or portable unit is clearly distinguishable from the private school facilities used for regular instruction.

-- The mobile van or portable unit is clearly and separately identified as property of the district and is free of religious symbols.

-- The unit and the property on which it is located are not used for religious purposes or for the private school's educational program.

-- The unit is not used by private school personnel.

The 1986 guidance suggested that following the two guidelines cited below might bolster a district's decision to locate units on the property of a religiously affiliated private school:

-- Before placing a unit on private school property, the district can determine that other locations for the services are unsafe, impracticable, or substantially less convenient for the children to be served.

-- The public school district could enter into a lease arrangement with the private school for the use of the land owned by the private school on which the unit is to be sited.

The Department said that its guidance was based on its interpretation of the Chapter 1 statute, implementing regulations, and the Supreme Court's decision, but warned states and districts that it could not guarantee that the courts would rule favorably on positions taken in the guidance.

At the time we completed our fieldwork in July 1987, the Department told us four major cases were pending in the courts directly challenging the Department's administration of Chapter 1 insofar as the programs affect private sectarian school students. The cases were:

-- Americans United for Separation of Church and State v. Bennett, (D.C.D.C. filed November 20, 1985).

-- Pulido v. Bennett, (W.D. Mo. filed September 5, 1985).[1]

-- Walker v. San Francisco Unified School District, (N.D. Cal. filed November 14, 1986).

-- Pearl v. Bennett, (S.D.N.Y. filed April 28, 1987).

According to the Department, these cases involve similar claims against Department policies (1) allowing use of mobile equipment and portable units to serve private sectarian school students and placement of the units on private school property and (2) directing districts to take the costs to comply with the Aguilar decision from their total Chapter 1 grant rather than from the share set aside for services to private school students. From a local perspective, this latter issue is particularly important because Chapter 1 funds used to implement new service delivery methods have to be taken "off the top" of the local Chapter 1 grant, decreasing the funding available to serve students and consequently the number of students served.

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[1] This case was dismissed on December 5, 1986 because the court held that it did not have subject matter jurisdiction. This decision has been appealed to the U.S. Court of Appeals for the Eighth Circuit.

## Table 1 : Locations Visited and Service Delivery Methods Used

| School Districts | Service Delivery Methods Used |
|---|---|
| **California** | |
| Los Angeles | Portable Classrooms |
| **Maryland** | |
| Montgomery County | Mobile Vans |
| **Massachusetts** | |
| Boston | Public Schools, Neutral Sites, Computers |
| Easthampton | Public Schools, Neutral Site |
| Springfield | Public Schools, Neutral Sites |
| **Michigan** | |
| Detroit | Public Schools, Neutral Sites, Portable Classrooms |
| Grand Rapids | Computers |
| Lowell | Consultant Services |
| **Ohio** | |
| Carey | Mobile Vans |
| Cleveland | Public Schools, Mobile Vans, Portable Classrooms |
| Columbus | Mobile Vans |
| **Pennsylvania** | |
| Interboro | Neutral Site |
| Johnstown | Neutral Site, Portable Classrooms |
| Mahanoy City | Mobile Vans |
| Philadelphia | Neutral Sites, Mobile Vans, Computers |

## OBJECTIVES, SCOPE AND METHODOLOGY

On September 17, 1986, the Chairman and Ranking Minority Member, Subcommittee on Elementary, Secondary, and Vocational Education, House Committee on Education and Labor, asked us to review the methods being used to provide off-premise Chapter 1 services to students attending private sectarian schools. They expressed particular interest in

-- how private school students are selected to participate in Chapter 1, and whether these selection processes changed after the Court's decision;

-- why the new service delivery methods were adopted;

-- how public and private school officials and parental advisory groups representing the affected children view the delivery methods; and

-- what effect the delivery methods have had on program participation.

To obtain the requested information, we selected 15 school districts in six states as the focus of our review (see table 1). We selected these states and districts on the basis of information we gathered from the Department of Education and state Chapter 1 coordinators in 12 states regarding what service delivery methods were used and which states served significant numbers of private school students. We attempted to select districts that varied in terms of (1) size, (2) geographic setting (urban or rural), and (3) number of students attending private sectarian schools.

At each of these states and school districts, we obtained information on the impact of the Aguilar decision on providing Chapter 1 services to students attending private sectarian schools. We met with Chapter 1 program officials at the state and district levels and with representatives of several private sectarian schools at each of the 15 districts. We visited the private schools to obtain principals' and teachers' views on Chapter 1 services before and after the decision. Also, while at the school districts and private schools, we observed the methods being used to deliver Chapter 1 services.

Since parental advisory groups were generally not involved in the selection of alternative service delivery methods in the school districts we visited, we did not obtain their views on the methods selected. For the most part, parents made their views known to the private school principals. Parental views are briefly discussed in appendix I.

To obtain consistent information at each state and school district, we used a standard data collection instrument in discussions with state and district Chapter 1 coordinators, private school representatives, and principals and Chapter 1 teachers. We also obtained school district records of student participation before and after the decision and of the districts' costs to comply with the decision.

We also obtained information from Department of Education officials about the impact of the decision, the Department's guidance to states and districts, and pending legal cases concerning services to private sectarian schools. We obtained the results of a 1987 Department study of a national sample of districts, which compared Chapter 1 services provided to private sectarian schools before and after the decision. We also met with a representative of the U.S. Catholic Conference, which represents most of the schools affected by the decision.

We performed our field work between October 1986 and July 1987. Our review was conducted in accordance with generally accepted government auditing standards, except we did not independently verify the results of the Department's 1987 study. In addition, as requested by your office, we did not obtain official written comments from the Department of Education. We did, however, discuss the principal findings with knowledgeable Department officials and responsible local officials. Their comments have been incorporated where appropriate.

## Selection of Service Delivery Method

| | |
|---|---|
| **Method** | • Providing Instruction in Nearby ***Public Schools***<br>• Teaching Students at ***Neutral Sites***, such as Libraries<br>• Parking ***Mobile Vans*** on or Adjacent to Private Sectarian School Property<br>• Placing ***Portable Classrooms*** on Leased Private Sectarian School Property<br>• Using ***Computers*** rather than Teachers in the Classroom to Provide Instruction |
| **Selection Criteria** | • **Cost** -- Were Funds Available and Within Reason?<br>• **Availability** -- Was the Building or Equipment Available in a Timely Manner?<br>• **Time Lost** -- Would Students Lose Excessive Classtime in Transit?<br>• **Parent Reaction** -- Would Parents Object for Safety or Other Reasons?<br>• **Legal Uncertainty** -- Would the Method Comply with the Supreme Court Decision? |

## SELECTION OF SERVICE DELIVERY METHODS

As a result of the Aguilar decision, the 15 districts we reviewed chose to provide Chapter 1 services to private sectarian students by using one or more of several methods: in public schools, at neutral sites, in mobile vans, in portable classrooms, with computers, or through consultant services arrangements. The Department of Education's 1987 national survey of a sample of school districts found the same methods being used in districts across the country, except for consultant services. We found several small districts in Michigan using the consultant approach, in which the public school Chapter 1 teacher consults with private school teachers or parent volunteers on teaching strategies and student needs. The private school teacher or volunteer then provides Chapter 1 services directly to the students.

According to Chapter 1 officials in the 15 districts, the most common reasons for selecting or rejecting these methods were:

- **Cost:** Chapter 1 funds are based on the number of students in need. Larger districts with more students generating funds appeared to have more ability than smaller districts to select relatively expensive delivery methods, e.g., vans, computers, or portable classrooms.

- **Availability:** Districts chose some methods because buildings or other facilities were readily available; for example, a public school or a neutral site located near the private school. Conversely, some methods were not available to some districts because of the long lead time required to get them in place. School districts in our sample tended to select methods that they could implement quickly.

- **Time Lost:** A major consideration with some methods was the amount of class time lost while students went from their private school classroom to the location where Chapter 1 services were provided. School districts tended to reject methods with excessive lost time.

- **Parent Reaction:** Some methods were rejected because parents objected to students having to leave the private school building or grounds. Safety was a major concern.

- **Legal Uncertainty:** State and school district officials complained that the Department's August 1985 guidance left them uncertain about which methods were legal. One district said it would have selected a different method had the Department issued clearer guidance earlier.

Details on the nature and use of each method follow.

# PUBLIC SCHOOLS

Boston - Public School with Nearby Private Sectarian School (in background)

Springfield - Private Sectarian School (in left foreground) with Neighboring Public School (on right)

## PUBLIC SCHOOLS

When this method is used, private sectarian students go to a public school for Chapter 1 services. The public school provides a classroom or other space where the private school students can be taught separately from public school students. Private school students either walk to the nearby public schools or are transferred by the district if public schools are not located close to the private schools. The instructional time lost when students move between schools varies with the transportation mode and distance traveled.

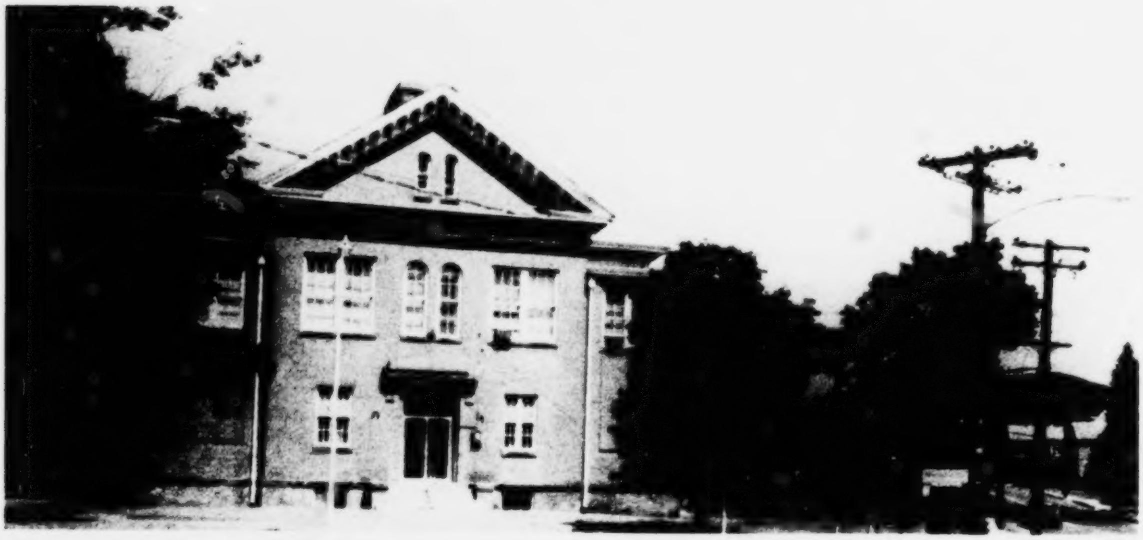
The Department's national survey showed that 55 percent of the districts used this method to serve private school students; however, most of these apparently are smaller districts, since they account for only 22 percent of the private school students served.

Of the 15 school districts we visited, 13 had considered using public schools. However, nine of the 13 districts eventually rejected this method because either the public schools were already overcrowded, they were located too far from the private school, or parents objected to their children leaving the private school building. Of the five districts that used public schools, four used other methods to serve most of their students. Three of these districts were large-city districts (Boston, Cleveland, and Detroit), which used public schools in isolated instances to supplement the primary service delivery methods. The fourth district--Springfield, Massachusetts--served 15 students in a public school and 147 students at neutral sites.

In the Springfield district, parents had withdrawn about 75 percent of the private sectarian school students from the program since the Aguilar decision. According to a school official, many parents and a parent advisory group opposed busing children because of their concerns about safety and lost time, while others were reluctant to have their children go to a public school. The problem was compounded by a lack of support for the chosen delivery methods by some Catholic school principals who preferred other methods that had been used successfully in other districts.

## NEUTRAL SITES

Springfield - Private Sectarian School and Social Center (on left) Used as a Neutral Site



Easthampton - Town Hall Used as a Neutral Site

## NEUTRAL SITES

Chapter 1 services are provided at a public or privately owned building, located nearby but off the private sectarian school property. Buildings used as neutral sites include stores, houses, and libraries. Students either walk or are transported to the site. This method depends on the availability of an acceptable building within a reasonable distance from the private school.

School districts also looked for neutral sites as a solution to their dilemma immediately following the decision. The Department's survey found 24 percent of the school districts use neutral sites. The method accounted for 30 percent of the private school students served. Of the 15 districts we reviewed, 12 considered neutral sites, but only 4 selected this method. Eight districts rejected neutral sites for one or more reasons. Five indicated that suitable sites were not available and that cost was also a factor. For example, four of these districts indicated that renovations needed to meet building codes were too costly. Four districts also indicated the method was rejected because of parent objections to children leaving the private school.

In school year 1986-87, only two districts--Springfield, Massachusetts, and Interboro, Pennsylvania--were using neutral sites to serve most of their private school students. As shown in table 2 (see p. 26), Springfield used this method to serve 147 students and Interboro used it to serve its 33 students. Easthampton, Massachusetts served four students at a neutral site and four in a public school.

Despite rejecting neutral sites as a primary service delivery method, three large-city districts used neutral sites on a limited scale. In school year 1986-87, Boston served 78 students, Detroit served 158, and Philadelphia served 50 at neutral sites.

## MOBILE VANS

Philadelphia - Mobile Van Parked Beside a Private Sectarian School

Montgomery County - Interior of Mobile Van

## MOBILE VANS

These are drivable vehicles of varying size and layout, purchased or leased by the school district. The vans are usually driven daily to one or more private sectarian schools by Chapter 1 personnel. Vans are parked near the private school on either the street, leased private-school property, or adjacent property. When parked, the vans are connected to an external power source for utilities. Students are escorted to and from the vans by school personnel.

According to the Department's survey, 19 percent of the school districts use mobile vans, which serve 29 percent of the private school students.

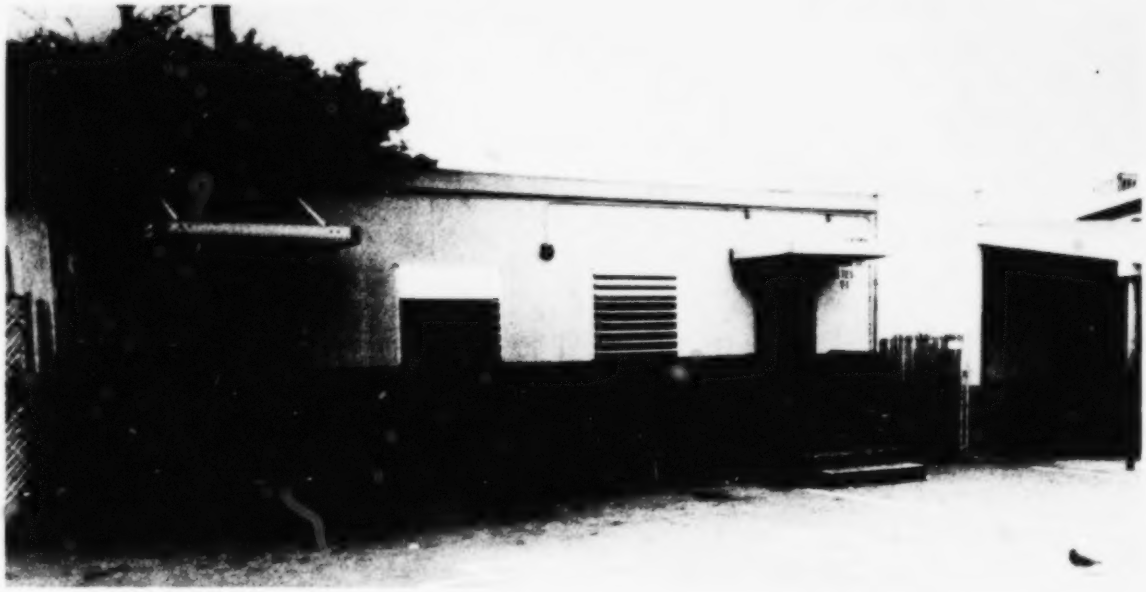
Of the 15 districts we reviewed, 12 had considered using mobile vans, and 6 selected them as a service delivery method. Three of the six were in Ohio, where many districts had been using mobile vans for several years under a state-funded program to provide remedial services to private school students off the private school premises. After the Aguilar decision, many Ohio districts were able to use these vans to provide Chapter 1 services to private sectarian students.

The six districts that rejected mobile vans cited cost as a reason. The Philadelphia district also believed the vans were too costly, but acquired them because the district's preferred method, portable classrooms, was legally uncertain in fall 1985 when they were considering delivery methods.

The Montgomery County district selected mobile vans because they could be parked near a private school, minimizing lost class time. This district contracted with a third party to provide Chapter 1 services as well as the vans.

## PORTABLE CLASSROOMS

Interior



Exterior

Los Angeles - Modular Classroom Assembled on Private Sectarian School Grounds

## PORTABLE CLASSROOMS

These are semipermanent buildings erected on the grounds of private sectarian schools, usually on a playground or parking lot. Some are modular units, transported in sections and assembled on a cement slab; other are trailers, towed to their location and parked on cement blocks. The property on which the classroom is located is leased or bought by the school district from the private school. The terms of the leases vary from a "token" amount ($1 per year) to paying all related expenses and utilities incurred by the private school for operating the portable classrooms.

None of the districts we visited used this method during the school year immediately after the decision (school year 1985-86) due to uncertainty about its legality. The Department's initial guidance to states in August 1985 did not specify the use of portable classrooms. However, supplemental departmental guidance issued in June 1986 specifically allowed this method, and districts began implementing it in school year 1986-87.

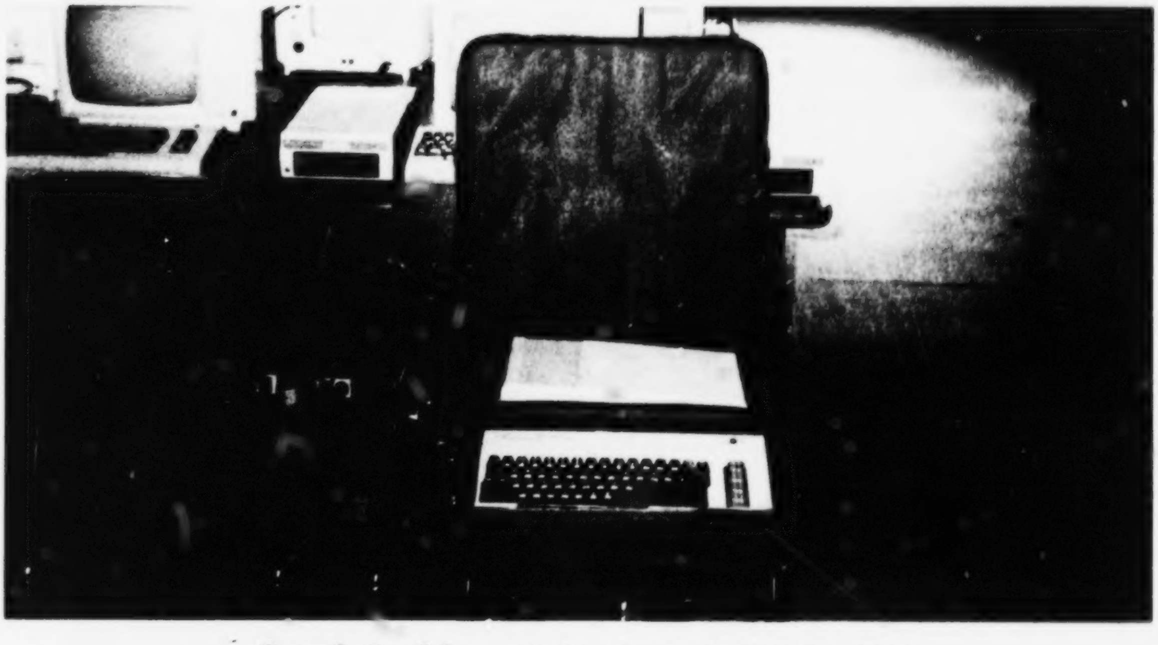
Seven of the 15 school districts we visited considered using portable classrooms. Four districts decided to use them, with most indicating the major reason was the time factor--reducing the amount of instructional time lost when students move from their regular classroom to the Chapter 1 "classroom." Since portable classrooms are located on the private school property, the instructional time lost in transit is minimized. Portable classrooms also resolve parent objections to children leaving the private school.

Three districts rejected this method. Two were concerned with its legality, and one with its cost. Regarding legality, Philadelphia school officials said they preferred this method but did not select it because initial Department guidance appeared to preclude using portable classrooms parked on private school grounds. The Easthampton district also considered this method but found it too costly to serve its 38 private sectarian school students.

Portable classrooms were considered by most of the large-city districts we visited because, in addition to avoiding the problems associated with leaving the school grounds, portable classrooms are especially effective at schools with large numbers of students to be served. For example, the Los Angeles district uses portable classrooms to serve many private schools with hundreds of Chapter 1 students. Also, although Cleveland uses mobile vans to serve most schools, the district is gradually switching to portable classrooms at private schools because they offer more usable space per dollar invested. The Detroit district also uses this method to serve most of its private school students.

# COMPUTER-ASSISTED INSTRUCTION

Boston - In-School Computer Terminals at Private Sectarian School



Grand Rapids - Take Home Computer Unit

## COMPUTER-ASSISTED INSTRUCTION

We found two variations of computer-assisted instruction at the districts we reviewed: in-school terminals and take-home computers. Districts using the in-school computer method install computer terminals in private sectarian schools and connect them to a central programming unit using Chapter 1 instructional software at a public school building. In the take-home method, students' parents are loaned computers, which are connected to television sets at home. The television sets serve as visual displays of the Chapter 1 software programs. Computer software containing the student's programmed instruction is also provided. The in-school computer instruction takes place during the normal school day, whereas the take-home computer is an after-school program.

Seven of the 15 school districts we visited had considered using computer technology. Although four rejected it as being too costly, two had implemented computer instruction and a third was testing a pilot program. Chapter 1 officials in both the Boston and Grand Rapids districts said they were satisfied with the instructional services students received using computers. The Philadelphia district was piloting a program using computers to serve 1,000 of the 3,000 students it was unable to serve when mobile vans were chosen as a service delivery method. Officials said that preliminary reports about the pilot program had been favorable. They plan to extend the program to the remaining students in school year 1987-88.

Chapter 1 officials in some districts we visited said that they did not seriously consider using computer technology because they were uncertain that computers could adequately replace the traditional teacher-student instructional relationship. Some were concerned with such legal issues as whether Chapter 1 funds could be used to pay salaries of those who monitor students using computers in the private school classroom and how computer use could be restricted to Chapter 1 students only.

Despite the legal uncertainties, however, computer-assisted instructional methods appear to be gaining in popularity. In its national survey, the Department of Education found a noticeable increase in the number of private school students receiving all or part of their Chapter 1 instruction through technology (e.g., through computer, telephone, or television broadcast) without a Chapter 1 teacher or aide present. The percentage of private students receiving Chapter 1 services through such means rose from 2 percent in school year 1984-85 to 17 percent in school year 1986-87. According to a Department of Education official, the New York City school district, which serves about 21,000 students attending about 250 private sectarian schools, plans to use computer instruction in 50 of its private schools in the 1987-88 school year.

## Table 2: Students Served by Service Delivery Method in School Districts Visited by GAO
(School Year 1986 - 87)

| School Districts | Public Schools | Neutral Sites | Mobile Vans |
|---|---|---|---|
| **California** | | | |
| Los Angeles | 0 | 0 | 0 |
| **Maryland** | | | |
| Montgomery County | 0 | 0 | 81 |
| **Massachusetts** | | | |
| Boston | 219 | 78 | 0 |
| Easthampton | 4 | 4 | 0 |
| Springfield | 15 | 147 | 0 |
| **Michigan** | | | |
| Detroit | 90 | 158 | 0 |
| Grand Rapids | 0 | 0 | 0 |
| Lowell | 0 | 0 | 0 |
| **Ohio** | | | |
| Carey | 0 | 0 | 20 |
| Cleveland | 6 | 0 | 1,607 |
| Columbus | 0 | 0 | 132 |
| **Pennsylvania** | | | |
| Interboro | 0 | 33 | 0 |
| Johnstown | 0 | 16 | 0 |
| Mahanoy City | 0 | 0 | 15 |
| Philadelphia | 0 | 50 | 3,900 |
| TOTAL | **334** | **486** | **5,755** |

| Portable Classrooms | Computer Technology | Consultant Services | School Districts |
|---|---|---|---|
| | | | **California** |
| 10,738 | 0 | 0 | Los Angeles |
| | | | **Maryland** |
| 0 | 0 | 0 | Montgomery County |
| | | | **Massachusetts** |
| 0 | 1,255 | 0 | Boston |
| 0 | 0 | 0 | Easthampton |
| 0 | 0 | 0 | Springfield |
| | | | **Michigan** |
| 1,307 | 0 | 0 | Detroit |
| 0 | 287 | 0 | Grand Rapids |
| 0 | 0 | 20 | Lowell |
| | | | **Ohio** |
| 0 | 0 | 0 | Carey |
| 73 | 0 | 0 | Cleveland |
| 0 | 0 | 0 | Columbus |
| | | | **Pennsylvania** |
| 0 | 0 | 0 | Interboro |
| 311 | 0 | 0 | Johnstown |
| 0 | 0 | 0 | Mahanoy City |
| 0 | 1,000 | 0 | Philadelphia |
| **12,429** | **2,542** | **20** | **TOTAL** |

## STUDENTS SERVED BY EACH METHOD IN 15 SCHOOL DISTRICTS

In the 15 school districts we visited, 21,566 private sectarian school students received Chapter 1 services in school year 1986-87. Some districts used a combination of delivery methods to serve them. (See table 2.)

### Public Schools and Neutral Sites

Eight of the 15 districts were using public schools and/or neutral sites, but were serving relatively few students in them--334 in public schools and 486 in neutral sites. The number varied considerably by district, ranging from 4 students served in public schools in Easthampton to 219 in Boston, and from 4 students receiving services at neutral sites in Easthampton to 158 in Detroit. This information is similar to the findings of the Department's national survey of school districts, which showed that 79 percent of the districts use public schools and neutral sites, but serve only 52 percent of the students with these service delivery methods.

### Mobile Vans and Portable Classrooms

Mobile vans were used in six of the districts to serve 5,755 students. Two large-city districts--Philadelphia (3,900 students) and Cleveland (1,607 students)--were serving large numbers of students with mobile vans, but one (Philadelphia) said it would choose less costly portable classrooms if it had to make the decision again. Over half (12,429) of the students served in the 15 districts were served in portable classrooms, which were used in 4 districts. In the 1986-87 school year, the Cleveland district began using portable classrooms at schools with large numbers of students because it found them more cost effective than vans.

### Computer-assisted instruction

Services were being delivered to 2,542 students in three districts through methods using computer technology. The Philadelphia district was serving 1,000 students in a pilot program, which it plans to expand to 3,000 students who cannot be served with mobile vans, according to district officials. The Boston district served 1,255 students with computers. The district Chapter 1 coordinator said he was so impressed with the quality of the computer instruction private school students were getting, he was considering a similar program for public school Chapter 1 students.

## INTERESTED PARTIES GENERALLY PARTICIPATED IN SERVICE DELIVERY SELECTION PROCESS

Public and private school officials generally believed that interested parties, who favored or opposed various alternate Chapter 1 service delivery methods, had a voice in the method selection process. In nearly all districts, school district officials, private school officials, and others took part in negotiating the methods to be used. Officials in 2 of the 15 districts, however, told us that some of the appropriate parties either did not participate in selecting the method or were not involved to the extent they thought necessary.

In Springfield, Massachusetts, and Cleveland, Ohio, certain school officials indicated that their participation could have been better. In Springfield, the parent advisory council chairman said all necessary parties were invited to participate but many parents declined. Several people we spoke with believed a different service delivery method (like vans or computers) should be implemented. The Cleveland diocese's director of government liaison said she did not have a role in selecting a method. She indicated a different method should be used, possibly a voucher system.

Chapter 1 coordinators in the states we visited identified several factors as important contributors to the successful implementation of new delivery methods:

- Positive relationships between public and private schools.
- Leadership by the Chapter 1 coordinator at the school district level.
- Flexibility of public and private officials and officials' positive view of Chapter 1.

## IMPACT OF DECISION ON SERVICES

The July 1, 1985, Aguilar decision, which took effect with the 1985-86 school year, allowed districts only about 2 months to identify and develop alternative methods of serving students in private sectarian schools. This caused major problems in most of the 15 districts we visited, especially the larger ones, and Chapter 1 services in many districts suffered. Conditions improved during the second school year after the decision, as more districts were able to implement the new service delivery methods.

In school years 1985-86 and 1986-87, only 6 of the 15 school districts were able to continually serve some or most of their private sectarian students. Most districts experienced one or more of the following problems:

- Chapter 1 services to private sectarian students were interrupted at some or all schools for various lengths of time.
- Student participation declined significantly in the school year following the Aguilar decision.
- Costs to serve private sectarian school students increased due to the implementation of new service delivery methods.
- Parts of the Chapter 1 instructional program could not be funded in some districts.

Although the Aguilar decision caused a number of adverse impacts for school districts and private sectarian students, we found it caused none of the 15 districts we visited to change the criteria used to select students for the Chapter 1 program.

## CHAPTER 1 SERVICES INTERRUPTED

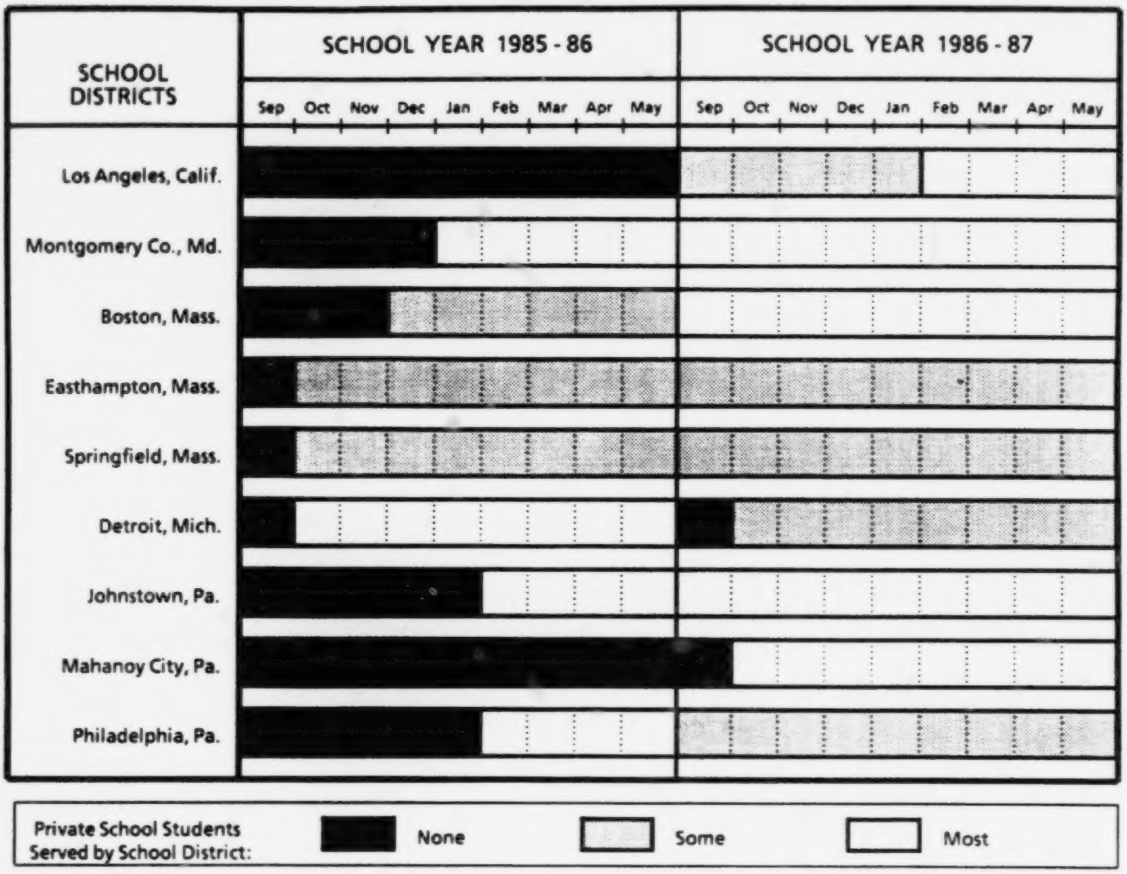
Following the Aguilar decision, nine districts had to curtail services at the beginning of the 1985-86 school year to all their private sectarian students because they could not implement new delivery methods in time. The service interruption in these districts ranged from 1 month to the entire school year.

Of the six districts with 3 or more months of interruption, two (Philadelphia and Montgomery County) restored Chapter 1 services to about the same number (within 15 percent) of students served in school year 1984-85 for the portion of the school year following their interruption. In Philadelphia's case, however, the service resumption was achieved by obtaining a court order that allowed it to continue providing services on the premises of private schools until the end of the school year. In Montgomery County's case, a new means of service delivery was implemented, and a court order was not needed.

A third district (Boston) resumed partial service following its 3-month interruption. About 20 percent of Boston's pre-Aguilar students were served, and partial service continued throughout the school year. The fourth district (Johnstown) obtained a court order to continue to provide service in private schools and resumed such services in February 1986. Services were provided in private schools until relocatable classrooms were ready. The fifth and sixth districts (Los Angeles and Mahanoy City) provided no service the entire school year.

Of the three districts in school year 1985-86 with less than 3 months of interruptions, two (Springfield and Easthampton) experienced a 1-month delay at the start of the school year, after which services were provided to some but not all of the private sectarian students previously served. The last of the nine districts (Detroit) resumed full service following a 1-month delay at the start of the school year, but continued throughout the entire school year to provide the services on the premises of the private sectarian schools while deciding on which service delivery method to use. According to a Department of Education official, the Detroit school district initially told Department of Education officials that Chapter 1 services would not be held in private schools after January 1986.

Figure 1: Districts with Chapter 1 Service Interruptions (School Years 1985-86 and 1986-87)



In the second school year (1986-87) after the decision, seven of the nine districts had new methods in place to serve at least some of their private school students beginning in September. Another district, Detroit, began serving some of its private students in October, when delivery of its portable buildings began. Mahanoy City also had a 1-month delay before resuming full service in the second school year. Boston, Los Angeles, and Mahanoy City were the only districts of the nine that approached or exceeded their pre-Aguilar service levels. (Montgomery County and Johnstown were serving all eligible students, but participation decreased because there were fewer eligible students.)

Of the six districts with uninterrupted services, four (Carey, Cleveland, Columbus, and Lowell) were able to immediately comply with the decision and continue serving most private sectarian students. Interboro and Grand Rapids also began services in compliance with the Aguilar decision at the beginning of the 1985-86 school year, but served only 50 percent and 77 percent, respectively, of the students served previously. Interboro was capable of serving all its students, but parents decided to remove many of the students from the Chapter 1 program. Grand Rapids was able to serve most of the students in the 1986-87 school year.

## PRIVATE STUDENT PARTICIPATION DECLINED

As shown on the next two pages in tables 3a and 3b, Chapter 1 participation by students in private sectarian schools declined substantially in the school year following the decision at the at most of the districts we reviewed. In several school districts, the number of eligible Chapter 1 students also declined. However, when analyzing the participation rate on the basis of the number of private school students served from year to year, we found about half (48 percent) of the private sectarian students served before the decision went without service during the 1985-86 school year. The next school year, the number unserved was 25 percent below the number of students served before the Aguilar decision, as more of the 15 school districts implemented new service delivery methods. Information from the Department of Education's national study is consistent with our findings. For the same time period, the Department found a national decline of 29 percent. The slight difference in the two percentages seems reasonable because the national study covered only the first 2 months of the 1986-87 school year and many districts expected an increase in the number of students served by year end.

## Table 3a : Private Student Participation Before and After the Aquilar Decision (School Years 1984-85 and 1985-86)

| School Districts | Before Decision (1984-85) | After Decision (1985-86) | Percent Change |
|---|---|---|---|
| **California** | | | |
| Los Angeles | 11,745 | 0 | - 100 |
| **Maryland** | | | |
| Montgomery County | 99 | 84 | - 15 |
| **Massachusetts** | | | |
| Boston | 1,750 | 324 | - 82 |
| Easthampton | 38 | 13 | - 66 |
| Springfield | 616 | 266 | - 57 |
| **Michigan** | | | |
| Detroit | 2,239 | 2,519 | 13 |
| Grand Rapids | 310 | 240 | - 23 |
| Lowell | 17 | 20 | 18 |
| **Ohio** | | | |
| Carey | 20 | 20 | 0 |
| Cleveland | 1,421 | 1,607 | 13 |
| Columbus | 179 | 163 | - 9 |
| **Pennsylvania** | | | |
| Interboro | 70 | 35 | - 50 |
| Johnstown | 538 | 329 | - 39 |
| Mahanoy City | 10 | 0 | - 100 |
| Philadelphia | 9,828 | 9,525 | - 3 |
| **TOTAL** | **28,880** | **15,145** | **- 48** |

## Table 3b : Private Student Participation Before and After the *Aguilar* Decision (School Years 1984-85 and 1986-87)

| School Districts | Before Decision (1984-85) | After Decision (1986-87) | Percent Change |
|---|---|---|---|
| **California** | | | |
| Los Angeles | 11,745 | 10,738 | -9 |
| **Maryland** | | | |
| Montgomery County | 99 | 81 | -18 |
| **Massachusetts** | | | |
| Boston | 1,750 | 1,552 | -11 |
| Easthampton | 38 | 8 | -79 |
| Springfield | 616 | 162 | -74 |
| **Michigan** | | | |
| Detroit | 2,239 | 1,555 | -31 |
| Grand Rapids | 310 | 287 | -7 |
| Lowell | 17 | 20 | 18 |
| **Ohio** | | | |
| Carey | 20 | 20 | 0 |
| Cleveland | 1,421 | 1,686 | 19 |
| Columbus | 179 | 132 | -26 |
| **Pennsylvania** | | | |
| Interboro | 70 | 33 | -53 |
| Johnstown | 538 | 327 | -39 |
| Mahanoy City | 10 | 15 | 50 |
| Philadelphia | 9,828 | 4,950 | -50 |
| TOTAL | **28,880** | **21,566** | **-25** |

## PROGRAM COSTS INCREASED

The initial and annual recurring expense of providing Chapter 1 services to private sectarian students increased as a result of the new methods used, according to information districts gave us. In total, 10 of the 15 districts we visited said they incurred $7.3 million in initial expenses (including obligations incurred to purchase equipment over a multiyear period) to implement new service delivery methods. About $1.9 million in annual recurring expenses were expected to be spent by the same 10 districts to provide Chapter 1 services using these alternative delivery methods.

We urge caution, however, in comparing costs across school districts, between service delivery methods, and by per pupil expenditures because:

- The accuracy and completeness of the cost data provided were not independently verified by our staff.
- The initial costs to implement the service delivery methods covered varying time periods depending upon how the equipment was acquired. For example, some districts leased equipment annually and others purchased equipment for several years' use.
- Some districts provided estimates of the costs incurred.

Before the Aguilar decision, the typical method of providing Chapter 1 service to students in private sectarian schools was sending a public school teacher into the private school with supplies funded by the public school system. When the decision mandated off-site service delivery, program costs began to increase significantly except in several districts we visited. Chapter 1 costs did not rise dramatically in Ohio for two reasons. First, major acquisition costs did not have to be incurred for any of the three Ohio districts because school districts on a state-wide basis generally had enough excess mobile vans to accommodate Chapter 1 use. The costs for several of these vehicles were incurred as long as 10 years ago. Second, except for the Columbus school district, recurring costs (e.g., maintenance, operation, utilities) will not be funded from Chapter 1 allocations. Additional costs incurred in Montgomery County and Interboro were paid with county and district funds, respectively, rather than Chapter 1 funds. The Lowell district did not incur additional costs due to the Aguilar decision.

### Table 4: Initial and Recurring Chapter 1 Cost Increases

| School Districts | Initial Costs (000) | Annual Recurring Costs (000) |
|---|---|---|
| **California** | | |
| Los Angeles | $ 806 | $ 253 |
| **Maryland** | | |
| Montgomery County | 0 | --- |
| **Massachusetts** | | |
| Boston | 2,480 | 336 |
| Easthampton | 3 | 3 |
| Springfield | 40 | 31 |
| **Michigan** | | |
| Detroit | 1,000 | 50 |
| Grand Rapids | 41 | 46 |
| Lowell | 0 | 0 |
| **Ohio** | | |
| Carey | 0 | 0 |
| Cleveland | 0 | 0 |
| Columbus | 12 | 10 |
| **Pennsylvania** | | |
| Interboro | 0 | 0 |
| Johnstown | 24 | 16 |
| Mahanoy City | 5 | --- |
| Philadelphia | 2,850 | 1,200 |
| **TOTAL** | **$7,261** | **$ 1,945** |

## REDUCED CHAPTER 1 SERVICES

As a consequence of the Aguilar decision, several districts we visited reduced the amount of Chapter 1 instruction offered private sectarian students.

The Philadelphia district discontinued service to the majority of the sectarian students in its remedial math instructional classes and almost 40 percent of its reading classes. This action was taken because of the high cost to purchase mobile vans and insufficient space to park the necessary number of mobile vans to provide the level and amount of remedial instruction previously provided.

As an indirect result of the decision, the Grand Rapids district discontinued service to its high school students because it could not provide a take-home computer program similar to the one for its elementary students. A school district official said the computer contractor did not have a software program available for the high school level.

In another example, the Boston school district used computers in the 1986-87 school year to teach private sectarian students reading and math at the lower grades. However, students in grades 7-12 received only reading instruction because private school principals did not believe computers alone should be used to teach math in the higher grades.

## STUDENT SELECTION CRITERIA UNAFFECTED

Chapter 1 officials in the 15 school districts we visited said that they did not change the criteria used to select private sectarian or public school students for Chapter 1 services as a result of the Aguilar decision. They also said the criteria for identifying eligible students and selecting the most needy are the same for both private and public school students.

To participate in the Chapter 1 program in these districts, private sectarian school students were required to meet the same economic and educational criteria as public school students. To be eligible economically, private school students had to reside in public school attendance areas that the district had identified as having high concentrations of students from low-income families. School districts (including the 15 we reviewed) identify concentrations of such families in attendance areas by using one or a combination of such poverty indicators as:

- o Number of school-age children in families receiving Aid to Families With Dependent Children.

- Recipients of free or reduced-price school lunches.

- Census data.

Whatever criteria are used, they must be applied uniformly throughout the district. When a combination of the above indicators are used, children cannot be counted more than once.

Private sectarian school students in the 15 districts had to meet the same criteria as public school students to be educationally eligible for Chapter 1. Chapter 1 officials stated that they used one or more of such measures as the following to determine student eligibility:

- Scores on standardized tests of reading or mathematics skills.

- Composite scores composed of such indicators as classroom grades and test scores.

- Teacher judgment.

All districts but one said they used standardized test scores to identify eligible public and private students. Several districts said they used tests for public and private school students, which, while not identical, were comparable for measuring educational need. Teacher judgment was also a frequently used measure, with nine districts indicating they used teacher judgment and test scores to identify eligible students.

Each district also told us that the criteria for selecting the most needy students also were the same for public and private school students. Officials in 13 districts said they ranked private sectarian students by standardized test score, usually selecting the most needy first. The other two districts were small, rural districts that either used other tests in combination with teacher judgment to rank students for selection or were able to serve all eligible students.

In obtaining information on how the decision affected student selection criteria in each district, we did not attempt to verify whether the districts were actually following their criteria. However, in our previous review[2] of the Chapter 1 student selection process, we found districts had criteria similar to those discussed above and generally followed them.

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[1] Chapter 1 Participants Generally Meet Selection Criterion (GAO/HRD-87-26, Jan. 30, 1987)

## VIEWS OF STATE, DISTRICT, AND PRIVATE SECTARIAN SCHOOL EDUCATION OFFICIALS

At the state, school district, and private sectarian school levels, we obtained officials' views on the immediate and long-term impact of the 1985 decision. The nature and intensity of the decision's impact varied among the locations. For example, most states' Chapter 1 officials indicated that various aspects of the program initially declined, but some said there was no change. Regarding the decision's future impact, most state officials agreed conditions should improve as districts overcome the initial problems. These views were generally shared by most school district Chapter 1 administrators (except in Ohio, where administrators indicated the decision produced little change because the districts we visited were able to use vans available under a state-funded remedial program.) Most private school principals believed their particular method of providing Chapter 1 services to their students was the best available alternative to on-premises instruction.

Some officials' views on the decision's immediate impact and long-range outlook are summarized below and discussed in more detail in the following sections.

**Immediate Impact:**

- Private student participation decreased.
- Chapter 1 program costs increased.
- Class time lost going off premises.
- Program quality diluted.
- Administrative workload increased.

**Long-Range Outlook:**

- Participation will return to previous levels.
- Cost increases will subside.
- Program quality will improve to previous levels.
- Administrative workload should decline.

### VIEWS ON IMMEDIATE IMPACT

**State officials** in four of the six states we visited said the Supreme Court decision resulted in decreased student participation, increased program costs, increased administrative workload, and lost class time while students travel to receive services. These views regarding increased costs and decreased student participation are consistent with data we gathered at the 15 school districts.

These same officials gave us a mixed response regarding the decision's impact on Chapter 1 pupil achievement and service quality. Three states' officials indicated no significant impact on pupil achievement in their states. Officials from the other three states were unsure of the decision's impact on pupil achievement. Regarding service quality, three states' officials indicated no change, two indicated quality had decreased, and one was unsure.

Regarding increased administrative workloads, some state administrators said the amount of time they spent on services to private schools since the decision had been disproportionate to the number of Chapter 1 students in them. In 13 states, private school students made up from 5 to 11 percent of the Chapter 1 students served in school year 1984-85; in the other states and the District of Columbia, they accounted for less than 5 percent of the Chapter 1 students served.

## Table 5 : State Officials' Views on the Immediate Impact of the Aguilar Decision

| Factors | Number of States | | | |
|---|---|---|---|---|
| | Increased | No Change | Decreased | Unsure |
| Student Participation | 0 | 1 | 4 | 1 |
| Pupil Achievement | 0 | 3 | 0 | 3 |
| Lost Class Time | 4 | 2 | 0 | 0 |
| Admin. Workload | 4 | 2 | 0 | 0 |
| Costs | 4 | 2 | 0 | 0 |
| Service Quality | 0 | 3 | 2 | 1 |

## Table 6 : District Officials' Views on the Immediate Impact of the Aguilar Decision

| Factors | Number of Districts | | | |
|---|---|---|---|---|
| | Increased | No Change | Decreased | Unsure |
| Student Participation | 0 | 8 | 7 | 0 |
| Lost Class Time | 7 | 8 | 0 | 0 |
| Admin. Workload | 11 | 3 | 0 | 1 |
| Costs | 10 | 3 | 1 | 1 |
| Service Quality | 1 | 8 | 4 | 2 |

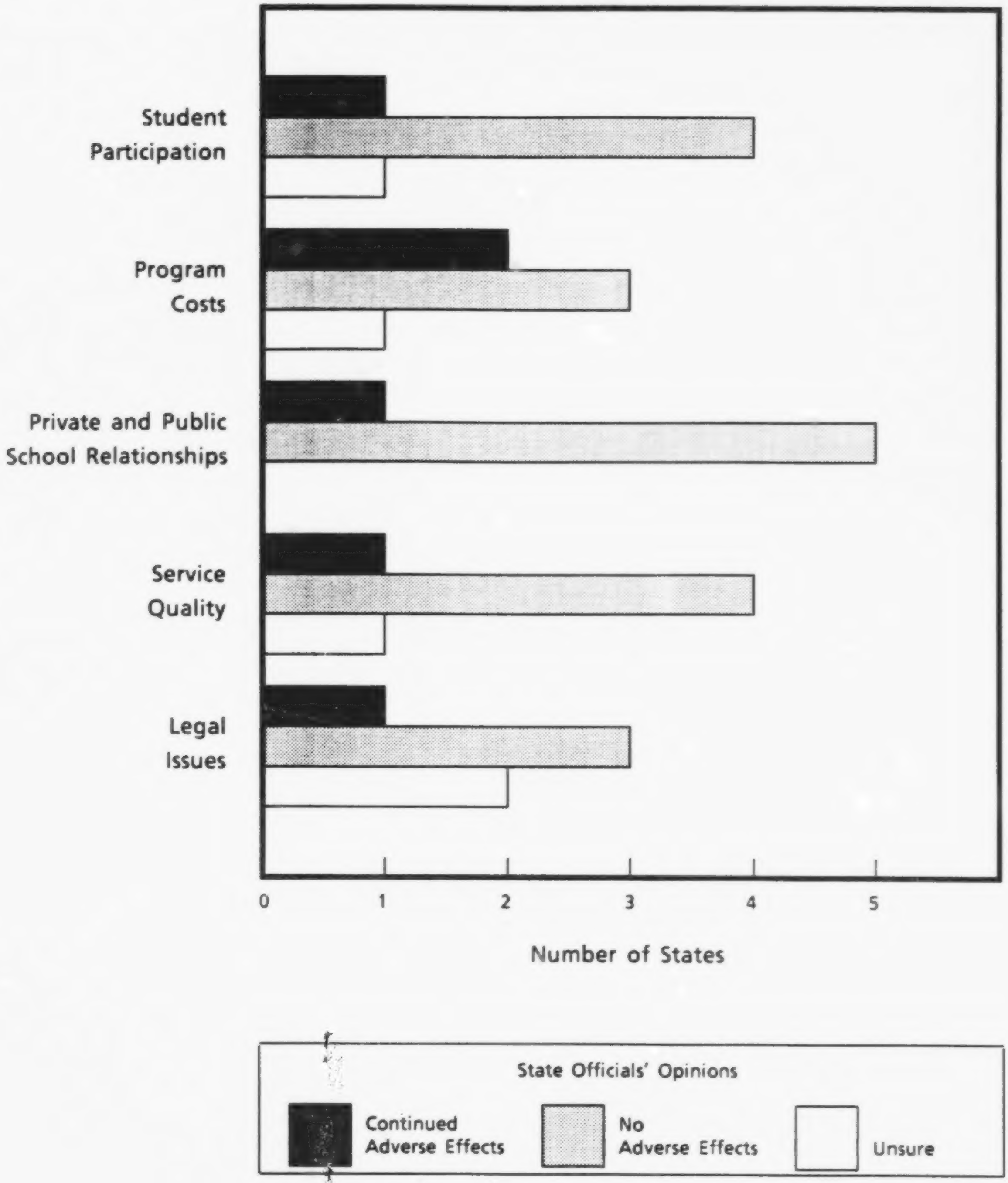
## Table 7 : Private School Principals' Views on Immediate Impact of the Aguilar Decision

| Factors | Number of Private School Principals | | | |
|---|---|---|---|---|
| | Increased | No Change | Decreased | Unsure |
| Pupil Achievement | 6 | 17 | 8 | 11 |
| Service Quality | 7 | 19 | 12 | 4 |
| Instructional Time | 2 | 10 | 29 | 1 |

**District officials**, for the most part, said the decision had increased program costs and the workload for program administrators. Their views were consistent with those of state Chapter 1 officials. Additionally, almost half of the district officials said lost class time had increased.

**Private sectarian school principals** at about 40 percent of the 42 private sectarian schools we visited indicated that pupil achievement and quality of service had not changed significantly since the decision. However, about 70 percent of the principals indicated that students' instructional time in Chapter 1 decreased after the decision due to transit time needed to get from the regular classroom to the Chapter 1 facility. Most believed the service delivery method being used was probably the best available, short of private school classrooms.

**Figure 2: State Officials' Views on the Future Impact of the Aquilar Decision**



## VIEWS ON LONG-RANGE OUTLOOK

Most **state officials** believed the Aguilar decision will not continue to adversely affect private school participation rates in their states. Most also believed the decision would not negatively affect the relationship between public and private schools. In their opinion, private student participation levels appear to be returning to predecision levels as public and private school officials work together to implement new service delivery methods. The Chapter 1 state officials provided mixed responses regarding the amount of program costs to implement the Aguilar decision. Three officials indicated that the decision would not continue to have adverse affects on program costs. Two officials believed program costs would continue to be adversely affected, and one was unsure.

Officials in four of the six states believed the Aguilar decision will not adversely affect the quality of Chapter 1 services in the future. One official indicated that the decision may lead to even better quality services overall. However, another said quality decreased in the short term and would remain inferior in the future. Officials in three states indicated that legal uncertainties will continue to affect the program in the short term but will abate over time. One state official said a San Francisco case will affect many districts if the practices in question are declared illegal. That case, mentioned on page 9, challenges (1) the use of mobile vans and their placement on private school property, and (2) off-the-top funding of the costs to comply with the Aguilar decision. Half of the state officials told us that more specific guidance from the Department of Education on these legal issues would be useful to their school districts. Officials in two of the six states believed their administrative workload would continue to be adversely affected because of the Aguilar decision.

Views of **school district officials** varied regarding the decision's future impact on participation levels. Nine of the 15 districts visited either had returned to pre-Aguilar participation levels or were serving all eligible students. Of the remaining 6 districts, officials in Columbus and Philadelphia expected participation to return to pre-Aguilar levels, officials in Easthampton and Springfield did not, and officials in Detroit and Interboro were unsure.

Easthampton and Springfield offered services in public schools and neutral sites, and many parents have taken their children out of the program because of the class time lost in transporting them, a concern for their safety, or an objection to having them in a public school.

Although Detroit served about 700 fewer private sectarian school students in school year 1986-87 than in school year 1984-85, Detroit officials were particularly concerned about how they would serve 432 eligible students at six private sectarian schools. The Chapter 1 coordinator said the six schools were invited to receive Chapter 1 services at the nearest public school, but the Catholic archdiocese had not responded.

Interboro's Chapter 1 program lost about half of its private school students because parents objected to the amount of class time students lost and the longer school day when children traveled to another site. In addition, some parents opted to take advantage of a state-funded remedial program offering instruction in several subjects rather than the Chapter 1 program, which taught reading only.

# CASE DESCRIPTIONS OF AGUILAR v. FELTON DECISION'S IMPACT ON 15 SCHOOL DISTRICTS GAO VISITED

To continue providing Chapter 1 services after the Aguilar v. Felton decision was announced in July 1985, the 15 districts we visited had to deal with a variety of circumstances. This appendix contains a case description for each of the 15 districts which, in addition to providing demographic information, describes in some detail the nature of the actions taken to select and implement new service delivery methods, the problems encountered, and the views of local public and private sectarian school officials on how the decision affected Chapter 1 services to their students.

## Los Angeles Unified School District

**School Year 1986/87 Student Population (K-12)**

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 590,287 | 232,156 | 39 |
| Private School | 97,170 | 10,738 | 11 |
| Total | 687,457 | 242,894 | 35 |

**Comparison of Chapter 1 Program Characteristics by School Year**

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| Grant Amount (Millions) | | | |
| Public Portion | $ 55.7 | $ 57.2 | $ 57.6 |
| Private Portion | 3.8 | 3.6 | 3.5 |
| Total | $ 59.5 | $ 60.8 | $ 61.1 |
| Students Served | | | |
| Public | 214,592 | 223,915 | 232,156 |
| Private | 11,758 | 0 | 10,738 |
| Schools Served | | | |
| Private | 65 | 0 | 63 |
| Compliance Costs | | | |
| Initial | N/A | 0 | $ 806,000 |
| Recurring | N/A | 0 | 0 |

**Service Delivery Methods (School Year 1986/87)**

| Delivery Methods | Students Served | Number of Units | Cost |
|---|---|---|---|
| Portable Classrooms | | | |
| Modular (Owned) | Unavailable | 24 | $ 34,000 |
| Modular (Leased) | Unavailable | 22 | 551,000 |
| Trailers (Leased) | Unavailable | 17 | 221,000 |
| Total | 10,738 | 63 | $ 806,000 |

## LOS ANGELES, CALIFORNIA

### Background

In the 1986-87 school year, the Los Angeles unified school district had about 590,000 students, and about another 97,000 attended Catholic and other sectarian schools within the district's boundaries (the city of Los Angeles and several outlying suburbs). The district's Chapter 1 program for 1986-87 served about 232,000 of its public school students and nearly 11,000 students attending private sectarian schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided remedial instruction to about 12,000 students on the premises of 41 religious schools and in relocatable classrooms (modular units) on the grounds of 24 other schools where overcrowding was a problem.

Shortly after the Aguilar decision, the school district offered various alternate service delivery methods to the private sectarian schools. In January 1986, the school district and representatives for the affected private schools agreed to use 46 modular units--the 24 existing ones and 22 new ones--and 17 trailers, all sited on ground leased from the private schools, as the new service delivery method. The factors that led to selecting this alternative were: concerns about student safety, the ability to maintain continuity with the regular academic program with minimal disruption of regular studies, the availability of the existing 24 units, and parental approval. After reaching agreement, services resumed in two increments: at the start of the 1986-87 school year for the 24 schools with existing modular units, and during January and February 1987 for the other 39 schools receiving new modular units and trailers. All units were in service by late February 1987.

Implementation took so long for several reasons. First, school district officials said there was concern about the legality of the chosen method and time passed while waiting for legal opinions. In the interim, the district did not want to risk using the existing units or contract for the new equipment. The Department of Education issued guidance in June 1986 that permitted locating classrooms on land leased from the private schools. After the legal issue was resolved, it then took several months to lease the new modular units and trailers, get them ready for service, and recruit teachers.

School district officials considered a number of other service delivery methods, but rejected them for the following reasons:

-- Neutral sites (including public schools): The public schools were already overcrowded, and there was concern about the safety of other buildings (e.g., earthquake standards). In addition, there were concerns regarding student safety in transit and lost instructional time.

-- Computer-assisted instruction and other electronic systems: The school district was concerned about the cost of support services (e.g., telecommunications), and the archdiocese rejected this option because it was not convinced this method would provide effective instruction and equitable service.

-- Summer school/after school/Saturday programs: Parents were opposed, and the archdiocese rejected these methods because they lacked continuity with the regular academic program.

-- Correspondence courses: The archdiocese said this option would not provide equitable service.

**Impact of Aguilar Decision**

The Supreme Court's decision had the following effects on the Los Angeles school district's Chapter 1 program for private schools:

-- Private sectarian school students received no Chapter 1 direct instruction for the entire 1985-86 school year, and some did not receive instruction until as late as February 1987. As noted, the break in service occurred because of the time it took to decide upon the service delivery method, resolve the legal uncertainties, and obtain and install the units and trailers. During school year 1985-86, district school nurses and psychologists did provide Chapter 1 support services to eligible participants at the private sectarian schools.

-- The Los Angeles archdiocese filed a formal complaint with the Department of Education in September 1985 regarding the inequitability of Chapter 1 services to the private sectarian schools. During the 1986-87 school year, to make up for the lost time, the school district used the unspent funds from school year 1985-86 to intensify services to the private schools. Instead of continuing the procedure adopted in school year 1984-85 of using teachers' aides for Chapter 1 instruction, the district began to provide certified teachers assisted by paraprofessionals.

-- The district spent $806,000 in the 1986-87 school year on modular units it owned and leased and on leased trailers, and estimated it will spend $253,000 annually for recurring expenses associated with its Chapter 1 delivery methods for private sectarian school students.

**Views of Public and Private School Officials**

We asked officials from the school district, the archdiocese, and the private schools to compare several Chapter 1 program quality factors before and since the Aguilar decision. They provided the following comments:

-- Despite the break in instructional service in the 1985-86 school year, there has been no change in **pupil participation**.

-- Generally, the parties believed it was too soon to tell if the decision will affect **pupil achievement**. However, one private school principal thought achievement may increase because removing students from the regular classroom for Chapter 1 instruction is less distracting than the pre-Aguilar method of in-class instruction.

-- The school district and archdiocese believe there has been no change in **transit time**; some principals think this factor has increased but only minimally because the units are located close to the schools.

-- The **cost per pupil** has increased because of the lease cost of the trailers and modular units and their upkeep.

-- The school district believes there has been no change in the **quality of service**; the lost instruction time will be made up through intensified service and then stabilize over time. The archdiocese and principals believe service quality has increased because now teachers are used instead of aides and separate units have reinforced the importance of the Chapter 1 program.

## Montgomery County, Maryland Public Schools

### School Year 1986/87 Student Population (K-12)

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 96,000 | 2,773 | 3 |
| Private School | 8,717 | 81 | 1 |
| Total | 104,717 | 2,854 | 3 |

### Comparison of Chapter 1 Program Characteristics by School Year

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| **Grant Amount** (Millions) | | | |
| Public Portion | $ 2.5 | $ 2.6 | $ 2.6 |
| Private Portion | .1 | .1 | .1 |
| Total | $ 2.6 | $ 2.7 | $ 2.7 |
| **Students Served** | | | |
| Public | 3,012 | 2,766 | 2,773 |
| Private | 99 | 84 | 81 |
| **Schools Served** | | | |
| Private | 3 | 3 | 3 |
| **Compliance Costs** | | | |
| Initial | N/A | $ 15,000 | 0 |
| Recurring | N/A | 0 | Unknown |

### Service Delivery Method (School Year 1986/87)

| Delivery Method | Students Served | Number of Units | Cost |
|---|---|---|---|
| Mobile Vans (Contractor) | 81 | 3 | 0 |

## MONTGOMERY COUNTY, MARYLAND

### Background

In school year 1986-87, the Montgomery County school district had about 96,000 students, and another 8,700 attended Catholic schools. The district's Chapter 1 program for 1986-87 served 2,773 of its public school students and 81 students attending Catholic schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided remedial instruction to about 100 students on the premises of the three Catholic schools with students eligible for Chapter 1 service.

Shortly after the Aguilar decision, the Montgomery County school district, the Washington archdiocese, and private school principals began negotiating to find an alternate service delivery method. In considering alternatives, the district was concerned about the cost of the method selected, while private school representatives wanted to maintain services as physically close to the schools as possible to minimize disruption to their students' instruction.

In late August 1985, the parties agreed to use mobile vans parked adjacent to the sectarian schools (two on neutral property and one on the school's property since no suitable neutral site could be arranged). The school district decided to contract for all Chapter 1 services--vans, instructional materials, and teachers--for the sectarian school students rather than leasing or purchasing its own vans because it did not want to be left with the equipment should the law be changed. After reaching agreement, the district awarded the contract and began service in December 1985. The archdiocese requested compensation from the school district for direct instruction time lost because of the break in service. The district refused, maintaining that (1) its staff had remained at the private schools during the interim period to assist with pupil identification and testing and (2) Chapter 1 services to Catholic and public schools were comparable because the Catholic school obtained instruction from certified teachers while the public schools used instructional assistants.

The school district, the archdiocese, and private school principals considered a number of service delivery methods, but rejected them for the following reasons:

- Public schools: They were already overcrowded, and the archdiocese was concerned about students losing instruction time by being transported to a public school.
- Voucher system for home tutoring: The archdiocese was opposed to this alternative believing it would not be cost effective to provide tutors for the number of children to be served.
- Summer school: None of the parties favored this potential solution, and available space was also a problem.
- Neutral sites: Private school officials were opposed to moving their children because of concerns that transportation time would take away from instruction.

**Impact of Aguilar Decision**

The Supreme Court's decision had the following effects on the Montgomery County school district's Chapter 1 program for private schools:

- Chapter 1 instructional services to the three sectarian schools were delayed until December 1985. District officials commented that the break in service occurred because of the time required to reach agreement of all parties on the new method, award the contract, and get the vans in place.
- The district spent about $15,000 more in the 1985-86 school year for contracted services than it would have cost to provide teachers for the private schools. However, these services were paid with non-Chapter 1 funds by the Montgomery County school district. The 1986-87 contract required no additional expenditures over what it would have cost the district to provide teachers.

**Views of Public and Private School Officials**

In comparing Chapter 1 program quality factors before and after the Aguilar decision, officials from the Montgomery County school district, the archdiocese, and the private schools had the following opinions:

- The school district, the archdiocese, and two private school principals believe the decision has not affected **pupil participation.** (Slight declines in participation since the decision were caused by enrollment changes, not the decision.)

-- There was some uncertainty about whether **pupil achievement** has changed because not enough data are available yet, but one private school principal thinks it may have increased.

-- School district officials believed there has been no change in **transit time** over the pre-Aguilar practice of sending instructors into the classrooms. The archdiocese and two private school principals think time lost in transit has increased slightly, but the distance to the vans is minimal.

-- The school district believed there has been no real increase in **cost per pupil** because of the lower contract price for Chapter 1 services for the 1986-87 school year.

-- Most officials are of the opinion that the **quality of service** is unchanged. However, one principal commented that quality has increased because certified teachers have replaced the instructional assistants who were used before.

## Boston, Massachusetts School District

**School Year 1986/87 Student Population (K-12)**

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 54,804 | 12,425 | 22.7 |
| Private School | 28,000 | 1,552 | 5.5 |
| Total | 82,804 | 13,977 | 16.9 |

**Comparison of Chapter 1 Program Characteristics by School Year**

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| **Grant Amount** (Millions) | | | |
| Public Portion | $ 11.04 | $ 12.11 | $ 13.49 |
| Private Portion | 1.82 | .32 | 1.36 |
| Total | $ 12.86 | $ 12.43 | $ 14.85 |
| **Students Served** | | | |
| Public | 10,955 | 11,430 | 12,425 |
| Private | 1,750 | 324 | 1,552 |
| **Schools Served** | | | |
| Private | 33 | 8 | 30 |
| **Compliance Costs** | | | |
| Initial | N/A | $ 21,590 | $ 2,480,000 |
| Recurring | N/A | 0 | $ 6,000 |

**Service Delivery Methods (School Year 1986/87)**

| Delivery Methods | Students Served | Number of Units | Cost |
|---|---|---|---|
| Public Schools | 219 | 3 | 0 |
| Neutral Sites | 78 | 2 | $ 6,000 |
| Computers | 1,255 | 112 | $ 2,480,000 |

## BOSTON, MASSACHUSETTS

### Background

In school year 1986-87, the Boston school district had about 55,000 students in the 1986-87 school year; another 28,000 students attended private sectarian schools. The district's Chapter 1 program for 1986-87 served over 12,000 public school students and about 1,550 students attending sectarian schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided Chapter 1 remedial instruction to 1,750 students on the premises of 33 private sectarian schools.

Shortly after the Aguilar decision, the district and the Catholic archdiocese began negotiations to find alternate service delivery methods. According to district officials, the criteria they considered in discussing alternate methods were that they had to be educationally sound, be fiscally responsible, and meet legal requirements.

The district and archdiocese agreed in October 1985 to use neutral sites and public schools as the initial service delivery methods. District officials said it took about 4 months to decide on their methods because guidance from the federal and state governments was slow reaching the district level and lacked specificity. After agreement was reached, services started in December 1985 at seven public schools and neutral sites for about 325 children from eight private schools. During this 2-month period, school officials identified acceptable sites and obtained the necessary parental approval for children to leave their school buildings to receive Chapter 1 services.

In December 1985, the negotiating parties also agreed to offer computer-assisted instruction for Chapter 1 students in the private schools. The school district selected the contractor in July 1986. Service using this service delivery method began in the first private school in November 1986, and by January 1987, 24 of the 25 schools electing this method were receiving instruction (including one school that switched from using a neutral site); the last school will begin receiving computer-assisted instruction as soon as a security system is installed.

District officials told us they considered a number of other service delivery methods, but rejected them for the following reasons:

- -- Summer program: In the spring of 1986 the district offered this program to 1,200 private school students who were receiving no services while waiting for computer-assisted instruction to begin; however, the archdiocese declined the offer.
- -- Vans: They were determined to be too expensive to buy, operate, and maintain.
- -- Mobile classrooms: These had interior space limitations as well as restrictions on where they could be placed. Further, there were concerns about securing heat, light, and water and about the cost of these utilities.

## Impact of *Aguilar* Decision

The Supreme Court's decision had the following effects on the Boston school district's Chapter 1 program for private schools:

- -- No private school students received Chapter 1 instruction until December 1985; then only about 325 of over 1,700 students received service for the balance of the 1985-86 school year and the early part of the 1986-87 year. The number receiving instruction increased to 1,550 by January 1987 as computer-assisted instruction was implemented. The district expects to serve the remaining students by the beginning of school year 1987-88.
- -- The hardware and software for computer-assisted instruction will cost about $2.15 million (paid over a 3-year period), and another $30,000 will be required annually for telephone lines. The district will also spend about $300,000 per year for the first 3 years to maintain the software, but this will decrease substantially thereafter. The neutral sites cost about $22,000 for lease and transportation expenses in 1985-86; although transportation costs will no longer be incurred, the leases will continue to cost about $6,000 a year.

## Views of Public and Private School Officials

We asked public and private school officials to compare several Chapter 1 program quality factors before and after the Aguilar decision. They told us the following:

-- **Pupil participation** decreased by about 80 percent in the school year following the decision, but should return to its previous level by the 1987-88 year.

-- **Pupil achievement** is unchanged at those private schools using public schools/neutral sites; it is too soon to assess pupil achievement at private schools using computer-assisted instruction.

-- **Time lost in transit** was unchanged at the private schools using computer-assisted instruction; the students use the same classrooms as when the Chapter 1 teachers were allowed to work on the premises of the private schools. However, time lost in transit has increased--and instructional time has decreased--at the schools that use neutral sites or public schools to provide Chapter 1 services, especially during the colder months when children need to put on outer clothing.

-- The **cost per pupil** has increased because of the added expense of computer-assisted instruction and neutral sites.

-- Public and private school officials believe the **quality of service** has not changed. The private schools using neutral sites or public schools retained the same Chapter 1 teachers who taught in the private schools, and officials at these private schools continue to be pleased with the quality of service. Although officials at private schools that are using computer-assisted instruction are not yet able to document the quality of this type of service delivery method, they told us they are pleased with it.

## Easthampton, Massachusetts School District

**School Year 1986/87 Student Population (K-12)**

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 2,069 | 194 | 9.4 |
| Private School | 387 | 8 | 2.1 |
| Total | 2,456 | 202 | 8.2 |

**Comparison of Chapter 1 Program Characteristics by School Year**

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| **Grant Amount** | | | |
| Public Portion | $ 117,500 | $ 147,700 | $ 132,900 |
| Private Portion | 14,400 | 10,200 | 5,500 |
| Total | $ 131,900 | $ 157,900 | $ 138,400 |
| **Students Served** | | | |
| Public | 269 | 188 | 194 |
| Private | 38 | 13 | 8 |
| **Schools Served** | | | |
| Private | 2 | 2 | 2 |
| **Compliance Costs** | | | |
| Initial | N/A | $ 2,570 | $ 800 |
| Recurring | N/A | 0 | $2,500 |

**Service Delivery Methods (School Year 1986/87)**

| Delivery Methods | Students Served | Number of Units | Cost |
|---|---|---|---|
| Public School | 4 | 1 | $ 2,500 |
| Neutral Site | 4 | 1 | $ 800 |

## EASTHAMPTON, MASSACHUSETTS

### Background

In school year 1986-87, the Easthampton school district served about 2,100 students, and about 400 students attended private sectarian schools in the town. The district's Chapter 1 program for 1986-87 served 194 public school students and 8 students attending Catholic schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided remedial instruction to 38 students on the premises of the two Catholic schools.

Shortly after the Aguilar decision, the Easthampton Chapter 1 coordinator and the two Catholic school principals began negotiating to find alternate service delivery methods. According to the Chapter 1 coordinator, cost was considered in selecting potential methods. This led them to eliminate portable classrooms, vans, and computer networking as being too costly. In early September 1985, the Chapter 1 coordinator and the Catholic school principals agreed to use low-cost neutral sites and/or public schools near the private schools. After an acceptable neutral site in the town hall basement was cleaned, Chapter 1 classes began in October 1985. The district supplemented the neutral site with space in a public school at the start of the 1986-87 school year. Children from one private school walked a short distance to the town hall site, while students from the second school took a taxi to the public school. (The school district entered into a contract with a taxicab company for transportation since it was less expensive than using a school bus.)

### Impact of Aguilar Decision

The Supreme Court's decision affected the Easthampton school district's Chapter 1 program for private sectarian schools in the following ways:

- Most of the parents of the private school students (30 of 38) withdrew their children from the Chapter 1 program. They were concerned about their children (1) missing regular school work and/or (2) safely traveling to and from other locations.

-- The district spent about $800 in both school year 1985-86 and school year 1986-87 to clean and renovate space in the town hall for one group of students, and will incur costs each year to transport other students between their school and the public school they use for Chapter 1 classes. Those transportation costs were $1,800 and $2,500 in school years 1985-86 and 1986-87, respectively.

## Views of Public and Private School Officials

At our request, public and private school officials compared a number of Chapter 1 program quality factors before and after the Aguilar decision. They offered the following opinions:

-- **Pupil participation** has decreased by about 80 percent, with only 8 of 38 eligible students receiving services in the 1986-87 school year.

-- **Time** lost in transit has increased since students must leave their buildings to attend Chapter 1 classes.

-- The **cost per pupil** has increased, especially for those who must be transported to the public school for instruction.

-- The **quality of service** remains unchanged for the few students who are still receiving service.

One public school official stated that participation rates will not return to their previous levels as long as private school students have to leave their buildings to receive Chapter 1 services. The district is considering cable television and microwave television with a telephone hookup as a service delivery method that may improve participation rates.

## Springfield, Massachusetts School District

**School Year 1986/87 Student Population (K-12)**

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 26,239 | 5,580 | 21.3 |
| Private School | 2,479 | 162 | 6.5 |
| Total | 28,718 | 5,742 | 20.0 |

**Comparison of Chapter 1 Program Characteristics by School Year**

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| **Grant Amount** (Millions) | | | |
| Public Portion | $ 4.26 | $ 4.74 | $ 4.29 |
| Private Portion | .47 | .36 | .27 |
| Total | $ 4.73 | $ 5.10 | $ 4.56 |
| **Students Served** | | | |
| Public | 5,628 | 6,416 | 5,580 |
| Private | 616 | 266 | 162 |
| **Schools Served** | | | |
| Private | 9 | 8 | 8 |
| **Compliance Costs** | | | |
| Initial | N/A | $ 39,700 | $ 454 |
| Recurring | N/A | 0 | $ 31,050 |

**Service Delivery Methods (School Year 1986/87)**

| Delivery Methods | Students Served | Number of Units | Cost |
|---|---|---|---|
| Public School | 15 | 1 | $ 5,600 |
| Neutral Sites | 147 | 5 | $ 25,904 |

## SPRINGFIELD, MASSACHUSETTS

### Background

In school year 1986-87, the Springfield school district had about 26,000 students, and about another 2,500 students attended Catholic schools in the city. The district's Chapter 1 program for 1986-87 served about 5,600 of its public school students and about 160 students attending Catholic schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided remedial instruction to 616 students on the premises of nine Catholic schools.

The district took no immediate action after the Aguilar decision; the Chapter 1 director and the Springfield archdiocese's assistant superintendent waited until school started in September 1985 to begin negotiations for alternate service delivery methods because they thought the decision either would not apply to them or would not be enforced. According to the Chapter 1 director, cost and convenience of location were considered in selecting a method to provide Chapter 1 services.

The district and the archdiocese's assistant superintendent reached agreement quickly in September 1985 to use public schools and neutral sites to provide Chapter 1 instruction. Services began at two public schools and three neutral sites--a community center, a library, and a boys club--in late October 1985. The following school year, 1986-87, services were delivered at a public school and five neutral sites--three community centers, a library, and a convent. (The state Chapter 1 coordinator approved the use of the convent adjacent to a parochial school; he determined that neither the teachers nor the principal of the parochial school lived in the convent and thus it has no physical or educational association with the parochial school.)

The Springfield Chapter 1 director told us the negotiating parties considered other potential delivery methods, including take-home computers, vans, an after-school program, and a summer program. However, these were rejected because they were expensive, time-consuming to implement, of questionable legality, and/or impractical. The Catholic school official also felt that the guidance from the state precluded the use of all alternative methods except neutral sites and public schools.

### Impact of Aguilar Decision

The Supreme Court's decision had the following effects on the Springfield school district's Chapter 1 program for private schools:

- -- Private school students did not receive Chapter 1 instruction for about a 1-month period at the beginning of the 1985-86 school year. The Chapter 1 director told us the delay in providing services occurred because it took time to: find and obtain sites that were convenient and either free or inexpensive, obtain parental permission to have children leave their schools to receive Chapter 1 services, and establish and coordinate bus schedules.

- -- Parents have withdrawn about 75 percent of the children from the program. Many parents, according to a school official, and a parent advisory group opposed busing children because of their concerns about safety and lost time, while others were reluctant to have their children go to a public school for Chapter 1 instruction. The problem has been compounded by a lack of support for the chosen method by some Catholic school principals who preferred other methods that had been used successfully in other districts.

- -- The district spent about $39,700 and $31,500 in the 1985-86 and 1986-87 school years, respectively, primarily for transportation and rent associated with the chosen delivery methods.

### Views of Public and Private School Officials

School district and archdiocese officials compared Chapter 1 program quality factors before and after the Aguilar decision and offered the following opinions:

- -- The decision has caused a decrease in **pupil participation**. There are over 600 private school students eligible for Chapter 1, but only about 260 received service in 1985-86 and about 160 in 1986-87.

- -- There was no consensus on the decision's impact on **pupil achievement**, except that it had not increased as a result of the decision.

- -- **Time lost in transit** has increased because of the decision, with a corresponding decrease in teaching time.

-- The **cost per pupil** has increased because of the rental and transportation costs associated with the alternate service delivery methods.

-- Both the Chapter 1 director and a parent advisory group thought the **quality of service** remained unchanged.

In the Chapter 1 director's opinion, the district will not be able to increase the program's participation rate to its pre-decision level in the near future because of parental opposition to the method in use. In that regard, several people we spoke with believe that a different service delivery method should be implemented in Springfield. Recommendations for providing Chapter 1 services to private sectarian school students include vans, computer-assisted instruction, take-home computers, and contracting Chapter 1 services.

## Detroit, Michigan School District

### School Year 1986/87 Student Population (K - 12)

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 185,146 | 51,061 | 27.6 |
| Private School | 20,581 | 1,555 | 7.5 |
| Total | 205,727 | 52,616 | 25..6 |

### Comparison of Chapter 1 Program Characteristics by School Year

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| **Grant Amount** (Millions) | | | |
| Public Portion | $ 36.8 | $ 38.6 | $ 37.7 |
| Private Portion | 1.3 | 1.5 | 1.2 |
| Total | $ 38.1 | $ 40.1 | $ 38.9 |
| **Students Served** | | | |
| Public | 47,359 | 50,116 | 51,061 |
| Private | 2,239 | 2,519 | 1,555 |
| **Schools Served** | | | |
| Private | 26 | 26 | 22 |
| **Compliance Costs** (Millions) | | | |
| Initial | N/A | 0 | $ 1.0 |
| Recurring | N/A | 0 | 0 |

### Service Delivery Methods ( School Year 1986 / 87 )

| Delivery Methods | Students Served | Number of Units | Cost |
|---|---|---|---|
| Public School | 90 | 1 | 0 |
| Neutral Site | 158 | 1 | $ 4,560 |
| Portable Classrooms | 1,307 | 20 | $ 1,000,000 |

## DETROIT, MICHIGAN

### Background

In school year 1986-87, the Detroit school district had about 185,000 students, and another 20,500 attended private schools in the city. The district's Chapter 1 program served about 51,000 of its public school students and about 1,550 students attending private schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided remedial instruction to about 2,200 students on the premises of 26 private schools.

Soon after the Aguilar decision, the Detroit school district decided that nonpublic school students would be served in public schools and neutral sites. Until these methods could be implemented, district, archdiocese, and Michigan Department of Education officials agreed to continue providing Chapter 1 services in the private schools. The U.S. Department of Education said it did not have authority to approve delays in implementing the decision, but the plan appeared to be a reasonable means of conforming to the court decision. Later in the 1985-86 school year, the archdiocese rejected public schools and neutral sites because parents and private school principals did not want their children to leave the schools and the school district had difficulty finding and renovating suitable space. Services continued in the private schools throughout the 1985-86 school year.

The district officials signed the Chapter 1 application in July 1986 to use portable classrooms as the primary service delivery method beginning in school year 1986-87. The district bought 20 units; the first began service in October 1986, and 16 were in operation by the end of the 1986-87 school year. Delays occurred because of problems manufacturing the units and then installing electricity and plumbing (mandated by Detroit teacher contracts requiring restroom facilities in the units). They were supplemented by one public school and one neutral site, which began operation in April 1986 and January 1987, respectively.

The state education consultant assigned to Detroit told us the major problems in the service delivery method selection process seemed to be (1) the adversarial relationship between the public and private school officials (stemming from private school parents' objection to their children leaving the schools) and (2) private school officials' reluctance to accept the Supreme Court's decision as final and comply with it. According to district officials, the primary service delivery method was selected because it was the only option available that all parties would agree to. The units' location on leased space adjacent to the private schools satisfied parental and archdiocesan concerns about leaving buildings and represented a legally permissible option for the district.

The school district considered a number of service delivery methods before deciding to use portable classrooms as the primary way to provide Chapter 1 services, but rejected them wholly or partially for the following reasons:

-- Mobile vans: The district regarded them as too costly because of recurring lease and maintenance costs.

-- Public schools: The Catholic school representatives rejected them because they did not want their children to leave the private school buildings. Presently, one Catholic school is using a public school site to provide Chapter 1 services, but the principal is very dissatisfied with the walk to the site and the uncomfortable space made available at the public school--a former janitorial room next to the cafeteria.

-- Neutral sites: Suitable sites were generally not available and renovation costs to bring them up to building code requirements were high. One neutral site was in use but Catholic school officials were upset about spending $6,500 to renovate the building.

## Impact of Aguilar Decision

The Supreme Court's decision had the following effects on the Detroit school district's Chapter 1 program for private schools:

-- After receiving remedial instruction during the 1985-86 school year on the premises of their schools, the majority of private school students did not receive services for part or all of the 1986-87 school year. About 90 of over 2,300 eligible students started getting instruction at the beginning of the school year in one public school and one neutral site. Another 1,300 students resumed service during the course of the year as 14 of the transportable units were delivered and hooked up to plumbing and electricity. However, about 500 students at seven schools slated to get portable classrooms received no instruction for the entire year because the units were not ready. Finally, almost 300 students at five other schools also received no service during the 1986-87 school year because there was still no agreement on how to serve them. (The district considered them too small to warrant the cost of portable classrooms, and the archdiocese objected to sending the children to public schools for Chapter 1 instruction.)

-- The 20 portable classrooms cost the school district $1.0 million, and another $4,560 was spent to lease the neutral site. District officials estimated they will spend about $50,000 annually to maintain the classrooms. All district costs were paid with Chapter 1 funds (to be reimbursed from the nonpublic portion of the Chapter 1 grant over 3 years). In addition, private school officials told us they also incurred costs as a result of the decision: one school paid $6,500 to renovate the neutral site its students use; another school paid $5,000 for a teacher's salary because the school did not have an operational service delivery method in place; and a third school paid $500 for a tutor to carry them through a 2-month period while the school's transportable unit was being readied.

## Views of Public and Private School Officials

District and archdiocesan officials and several private school principals compared a number of Chapter 1 program quality factors before and since the Aguilar decision and offered the following opinions:

-- The majority agreed that **pupil participation** decreased. The remainder said there has been no change in participation.

-- There was a range of opinions on the subject of **pupil achievement**. The archdiocesan representative believed achievement had declined. Some principals said there was no change or they were unsure. The principal whose students go to the public school thought achievement declined for many reasons. For example, the room they use is a converted janitorial room next to a noisy cafeteria, and the students must travel from one school to another.

-- Generally, the officials believed that **transit time** has increased. For example, students attending the public school for Chapter 1 classes walked 13 minutes each way.

- -- The **cost per pupil** has increased because of the purchase of the transportable units and their upkeep, including vandalism and security. For example, 1 of the 20 transportable units had to be removed and destroyed after being gutted by fire four times within a year of being erected. Additionally, one private school paid to renovate a neutral site, while two hired tutors in the absence of an alternative service delivery method.
- -- Generally, they believed there has been no change in the **quality of service**.
- -- There are a number of **other concerns**: student safety in transit to portable classrooms or other sites; decreased access to equipment; a sense of being deprived of a service; and uncertainty about the future of the Chapter 1 program for private school students.

## Grand Rapids, Michigan School District

**School Year 1986/87 Student Population (K-12)**

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 20,064 | 2,188 | 10.9 |
| Private School | 10,102 | 287 | 2.8 |
| Total | 30,166 | 2,475 | 8.2 |

**Comparison of Chapter 1 Program Characteristics by School Year**

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| **Grant Amount** (Millions) | | | |
| Public Portion | $ 2.5 | $ 2.6 | $ 2.6 |
| Private Portion | .3 | .3 | .3 |
| Total | $ 2.8 | $ 2.9 | $ 2.9 |
| **Students Served** | | | |
| Public | 3,090 | 3,272 | 2,188 |
| Private | 310 | 240 | 287 |
| **Schools Served** | | | |
| Private | 14 | 14 | 14 |
| **Compliance Costs** | | | |
| Initial | N/A | $ 40,500 | 0 |
| Recurring | N/A | 0 | $ 45,500 |

**Service Delivery Method (School Year 1986/87)**

| Delivery Method | Students Served | Number of Units | Cost |
|---|---|---|---|
| Take Home Computers | 287 | 120 | $ 45,500 |

## GRAND RAPIDS, MICHIGAN

### Background

In school year 1986-87, the Grand Rapids school district had about 20,000 students, and another 10,000 attended private schools in the city. The district's Chapter 1 program for 1986-87 served about 2,200 of its public school students and about 290 students attending private schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided remedial reading and math instruction to 310 students on the premises of 14 private sectarian schools.

The school district's Chapter 1 coordinator and an archdiocesan representative began negotiating to find an alternate service delivery method shortly after the Aguilar decision. In July 1985 the district signed the Chapter 1 application to use a take-home computer program to provide service. Except for a minor delay in obtaining enough software to service one grade level, there were no problems in putting the service delivery method into operation, and Chapter 1 instruction began in late September 1985.

The district leased 120 computers in school year 1986-87 from a third-party contractor who supplied a consultant to instruct Chapter 1 teachers in computer use; the teachers in turn taught the parents and children how to use the computers, and the parents instructed the children at home. The computers connected to regular television sets and used reading and math tutorial software geared to the child's grade level. Students used the computers at home for 8 weeks, then switched to workbooks while a second group of students used the computers.

The Chapter 1 instructors were housed in one room in a public school used as the parent training center and the pickup/dropoff point for the computers. Students and parents were able to obtain additional help if needed during the training center's regular hours, and Chapter 1 teachers also made home visits if parents could not come to the center.

The school district adopted this service delivery method because these officials believed it had the fewest drawbacks of all the methods considered; for example, students lost no class time since the program took place after school. They also considered using mobile vans and two centrally located reading centers.

However, vans were too expensive, and reading centers were replaced during negotiations by the take-home computer program.

**Impact of Aguilar Decision**

According to school district and archdiocesan officials, the Court's decision caused a slight disruption in the instructional schedule for Chapter 1 service to private schools. There have been only two minor effects identified with the program:

-- The district is incurring higher costs. Leasing the take home computers cost $40,500 in school year 1985-86 and $45,500 in school year 1986-87.

-- Private school student participation declined in the 1985-86 school year due to the change in service delivery method; however, participation is returning toward the level it was before the decision.

**Views of Public and Private School Officials**

Officials from the school district and the private schools told us the following:

-- Most reported no change in the level of **pupil participation**, although one private school principal believes it has decreased at that school.

-- Generally, **pupil achievement** appeared unchanged; however, one principal believed achievement has improved.

-- **Transit time** was unchanged. Moreover, the Chapter 1 teacher noted that students now have an extra half-hour of regular class time since remedial instruction takes place at home.

-- Although most of the private school officials were unsure about whether the **cost per pupil** has changed, the school district Chapter 1 coordinator believes it has increased somewhat because of the cost to lease the take-home computer system.

-- Most believe the **quality of service** has increased, although the new service delivery method is so different from before that it is difficult to compare.

-- Several **other factors** have shown improvement, especially parental involvement with their children's progress, exposure to computers, and increased regular class time.

## Lowell, Michigan School District

| School Year 1986/87 Student Population (K-12) | | | |
|---|---|---|---|
| School | Total District | Chapter 1 | Percentage |
| Public School | 2,769 | 219 | 7.9 |
| Private School | 139 | 20 | 14.4 |
| Total | 2,908 | 239 | 8.2 |

| Comparison of Chapter 1 Program Characteristics by School Year | | | |
|---|---|---|---|
| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
| Grant Amount | | | |
| Public Portion | $ 167,950 | $ 147,843 | $ 142,756 |
| Private Portion | 9,500 | 9500 | 8,000 |
| Total | $ 177,450 | $ 157,343 | $ 150,756 |
| Students Served | | | |
| Public | 199 | 228 | 219 |
| Private | 17 | 20 | 20 |
| Schools Served | | | |
| Private | 2 | 2 | 2 |
| Compliance Costs | | | |
| Initial | N/A | 0 | 0 |
| Recurring | N/A | 0 | 0 |

| Service Delivery Method (School Year 1986/87) | | | |
|---|---|---|---|
| Delivery Method | Students Served | Number of Units | Cost |
| Consultant Services | 20 | N/A | 0 |

## LOWELL, MICHIGAN

### Background

In the 1986-87 school year, the Lowell school district had about 2,800 students, and another 140 attended Catholic schools in the district. The district's Chapter 1 program served about 220 public school students and 20 students attending Catholic schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided remedial reading to 17 students on the premises of two Catholic schools.

Shortly after the Aguilar decision, Lowell's Chapter 1 coordinator met with the two Catholic school principals to negotiate an alternate service delivery method. Because of the district's small budget, cost was an important consideration, and the negotiating parties did not have many options available.

The school district officials signed the application in August 1985 to use consultant services as the service delivery method. Under this method, a Chapter 1 teacher provides training in remedial reading instruction to the nonpublic school teachers at one private school and to parent volunteers at the second school. The nonpublic school teachers and volunteers then gave the actual remedial instruction to the eligible children. Chapter 1 service began in September 1985. However, the Chapter 1 teacher quit in the 1986-87 school year, and the school district could not find an adequate replacement until March 1987. In the interim, the nonpublic school teachers and volunteers did not receive training, although they continued to provide remedial instruction to the children.

School district officials told us they also considered using public schools to provide instruction to the private school students. However, one private school rejected the idea because the closest public school was a 20-minute bus ride and would have caused too great a loss of instruction time. The second private school was about a two-block walk from its nearest public school; the parents objected to their children leaving the private school premises, and the principal objected to the lost class time.

**Impact of Aguilar Decision**

The Supreme Court's decision has had little impact on Lowell's Chapter 1 program for private schools. It did not disrupt the instructional program or affect the number of students receiving instruction.

**Views of Public and Private School Officials**

School district and Catholic school officials compared Chapter 1 quality factors before and after the Aguilar decision. The majority agreed that it has not affected **pupil participation, transit time,** or **cost per pupil.**

There is some concern, however, that **pupil achievement** and the **quality of service** may have decreased somewhat because the Chapter 1 teacher no longer instructs children directly. One private school principal also expressed a general concern about the future of remedial programs for academically needy private school students in the aftermath of the Supreme Court's decision.

## Carey, Ohio School District

**School Year 1986/87 Student Population (K-12)**

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 1,009 | 55 | 5 |
| Private School | 242 | 20 | 8 |
| Total | 1,251 | 75 | 6 |

**Comparison of Chapter 1 Program Characteristics by School Year**

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| Grant Amount | | | |
| Public Portion | Unavailable | Unavailable | Unavailable |
| Private Portion | Unavailable | Unavailable | Unavailable |
| Total | $ 47,800 | $ 52,100 | $ 51,400 |
| Students Served | | | |
| Public | 38 | 62 | 55 |
| Private | 20 | 20 | 20 |
| Schools Served | | | |
| Private | 1 | 1 | 1 |
| Compliance Costs | | | |
| Initial | N/A | 0 | 0 |
| Recurring | N/A | 0 | 0 |

**Service Delivery Method (School Year 1986/87)**

| Delivery Method | Students Served | Number of Units | Cost |
|---|---|---|---|
| Mobile Van | 20 | 1 | 0 |

## CAREY, OHIO

### Background

In school year 1986-87, the Carey school district had about 1,000 students, and about 240 students attended a private school. The district's Chapter 1 program for 1986-87 served about 55 of its public school students and another 20 students attending the Catholic school.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the school district provided remedial instruction to about 20 students on the premises of the one Catholic school.

In August 1985, after the Aguilar decision, the district and the private school principal agreed to use a nearby public school as the alternate service delivery method. No other service delivery methods were considered, and Chapter 1 classes resumed on schedule in September for the 1985-86 school year.

When that public school was closed at the end of the school year for financial reasons, the district and private school principal decided to use a state remedial instruction van for the following school year. It was already in place on public property as the result of an earlier Supreme Court decision and was available at no cost to the Chapter 1 program. The only real consideration was the need to schedule state and Chapter 1 remedial instruction to accommodate sharing van space. Again, no other methods were considered, and Chapter 1 classes resumed on schedule in the 1986-87 school year.

### Impact of Aguilar Decision

According to public and private school officials, the Supreme Court's decision did not cause a break in service. To date, it also has not caused any increased Chapter 1 costs, although Chapter 1 may have to share in van maintenance and replacement costs in the future. However, the decision did cause a decrease in instruction time during the 1985-86 school year for the following reasons:

-- The walk between the two schools reduced the class time available.

- Students arrived for class somewhat unsettled, so additional time was needed to settle into their work.
- Some Chapter 1 classes had to be canceled when the weather was especially inclement.

In addition, some parents reportedly complained about the need for their children to make the trip each day. These problems were resolved in school year 1986-87 with the use of the van as the service delivery method; time lost in transit has been negligible.

**Views of Public and Private School Officials**

School district and Catholic school officials compared Chapter 1 quality factors before and after the Aguilar decision. They agreed that it has not affected **pupil participation** or **pupil achievement** for the 1986-87 school year. District officials were uncertain as to the affect on **cost per pupil**. To date, the Chapter 1 costs have not been affected because all costs have been funded by a state program. However, school district officials speculated that Chapter 1 may be budgeted for its program costs at some future point.

For the 1985-86 school year, when the public school was used to deliver Chapter 1 services, they believed that **transit time** increased and caused a decrease in the **quality of service** and **pupil participation** because instructional time was lost; however, the use of the van in the school year 1986-87 has brought quality back up to pre-Aguilar levels.

## Cleveland, Ohio School District

| School Year 1986/87 Student Population (K-12) | | | |
|---|---|---|---|
| School | Total District | Chapter 1 | Percentage |
| Public School | 73,000 | 9,962 | 14 |
| Private School | 22,210 | 1,686 | 7 |
| Total | 95,210 | 11,648 | 12 |

| Comparison of Chapter 1 Program Characteristics by School Year | | | |
|---|---|---|---|
| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
| Grant Amount (Millions) | | | |
| Public Portion | Unavailable | Unavailable | Unavailable |
| Private Portion | Unavailable | Unavailable | Unavailable |
| Total | $ 12.7 | $ 13.7 | $ 13.3 |
| Students Served | | | |
| Public | 13,591 | 10,609 | 9,962 |
| Private | 1,421 | 1,607 | 1,686 |
| Schools Served | | | |
| Private | 38 | 48 | 41 |
| Compliance Costs | | | |
| Initial | N/A | 0 | 0 |
| Recurring | N/A | 0 | 0 |

| Service Delivery Methods (School Year 1986/87) | | | |
|---|---|---|---|
| Delivery Methods | Students Served | Number of Units | Cost |
| Public School | 6 | 1 | 0 |
| Mobile Vans | 1,607 | 41 | 0 |
| Trailers | 73 | 2 | 0 |

## CLEVELAND, OHIO

### Background

In 1986-87 school year, the Cleveland school district had about 73,000 students, and about 22,200 attended private schools in the city. The district's Chapter 1 program served about 10,000 of its public school students and 1,700 students attending private schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided Chapter 1 remedial instruction to about 1,400 private school students on the premises of 38 of their schools, and at a nearby public school in one other instance.

Shortly after the *Aguilar* decision, the school district began exploring alternate service delivery methods. Although private school officials were consulted, the final decision--to use a combination of vans and trailers, placed on public or leased sites--was made by the school district. One private school official told us that the selection process was not collaborative enough. After reaching a decision, the district had the vans and trailers in place in time for the start of the 1985-86 school year for the private school students.

According to school district officials, the primary considerations were cost, availability, and convenience; the vans could be put in service immediately at no cost to Chapter 1 since they were an excess part of a fleet purchased several years earlier for a state remedial program. District officials also told us they briefly considered nearby public schools and neutral sites but rejected them because of student transportation problems, cost, and/or parental objections.

### Impact of *Aguilar* Decision

According to school district and private school officials, the Court's decision has had only one minor effect: classroom time has been shortened by 10 minutes to accommodate the need for students to walk between their school buildings and vans.

## Views of Public and Private School Officials

We asked school district and Catholic school officials to compare Chapter 1 program quality factors before and after the Aguilar decision. They offered the following opinions:

-- The majority of the school district officials believe **pupil participation** decreased. However, the number of nonpublic schools served increased between 1984-85 and 1985-86, and the Chapter 1 coordinator believes this accounts for the lack of a decline in the number of students served.

-- The decision has not affected **pupil achievement**.

-- **Transit time** has increased because students must go back and forth to the vans.

-- Although most of the principals and teachers were unsure, school district officials believe **cost per pupil** for Chapter 1 remains unchanged because the school district has been able to use equipment obtained previously with state funds. (The district anticipates that any future maintenance and replacement costs will also come from state funding.)

-- Chapter 1 officials are divided on the issue of changes in the **quality of service**. The majority of the officials believe no such change has occurred. However, several officials said the quality of service has decreased slightly because students are losing, on average, 10 minutes of instructional time in daily transit between the school buildings and vans.

## Columbus, Ohio School District

**School Year 1986/87 Student Population (K - 12)**

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 65,570 | 6,699 | 10 |
| Private School | 11,991 | 132 | 1 |
| Total | 77,561 | 6,831 | 9 |

**Comparison of Chapter 1 Program Characteristics by School Year**

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| **Grant Amount** (Millions) | | | |
| Public Portion | $ 7.0 | $ 7.5 | $ 7.4 |
| Private Portion | .2 | .2 | .2 |
| Total | $ 7.2 | $ 7.7 | $ 7.6 |
| **Students Served** | | | |
| Public | 7,385 | 7,794 | 6,699 |
| Private | 179 | 163 | 132 |
| **Schools Served** | | | |
| Private | 6 | 5 | 5 |
| **Compliance Costs** | | | |
| Initial | N/A | $ 11,788 | 0 |
| Recurring | N/A | 0 | $ 10,159 |

**Service Delivery Method ( School Year 1986 / 87 )**

| Delivery Method | Students Served | Number of Units | Cost |
|---|---|---|---|
| Mobile Vans | 132 | 5 | $ 10,159 |

## COLUMBUS, OHIO

### Background

In the 1986-87 school year, the Columbus school district had about 65,600 students; another 12,000 students attended private schools in the city. The district's Chapter 1 program for 1986-87 served about 6,700 of its public school students and 132 students attending Catholic schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided Chapter 1 services to about 180 students on the premises of six Catholic schools.

Within several weeks after the Aguilar decision, the district decided to use state remedial instruction vans sited on public property as the alternate service delivery method. They were (1) already in use as the result of an earlier Supreme Court ruling and known to be a viable service delivery method and (2) available at minimal cost to Chapter 1. Thus, the district gave only brief consideration to other alternatives, such as public schools and other neutral sites; problems in finding acceptable sites near the private schools, combined with the availability of the vans, led the district to rule out other possible alternatives.

Although there were no formal negotiations, the archdiocese officials and the principals of the private schools we visited accepted the district's decision without serious objection; they apparently agreed that vans were the most convenient and least costly alternative. Chapter 1 classes started on schedule in September 1985 for private school students.

### Impact of Aguilar Decision

As noted, the Supreme Court's decision did not disrupt Columbus's Chapter 1 instructional schedule or the level of student participation. According to school district and private school officials, there have been only two minor effects:

-- The district is incurring slightly over $2,000 a year in operation and maintenance cost for each of the vans. (There were no procurement costs; the vans had been bought several years earlier with state remedial instruction funds, and any future replacements are expected to also come from state funds.)

- -- The diocese, private school principals and Chapter 1 teachers think there is a slight loss of instructional time because students must walk back and forth to the vans.

**Views of Public and Private School Officials**

We asked officials from the school district and the Catholic schools to compare a number of Chapter 1 program quality factors before and since the Aguilar decision. They told us the following:

- -- The majority of the school district officials believe **pupil participation** has not changed. However, the diocesan representative, a private school principal, and a private school teacher believe that pupil participation has decreased slightly.

- -- **Pupil achievement** is up slightly in schools where fewer students are served. School officials report more individualized instruction is possible with the small groups served in vans. One other principal credited a change in Chapter 1 teachers for the improved pupil achievement.

- -- **Transit time** has increased slightly because students must walk back and forth between their school buildings and the vans.

- -- The Chapter 1 **cost per pupil** also has increased slightly since the school district is paying maintenance costs for the vans.

- -- The school district's Chapter 1 staff believes there has been no change in **quality of service**. The Chapter 1 teachers we interviewed generally support this position. However the Catholic archdiocese representative and one private school principal said they believed that the quality of service has decreased slightly because classroom space is smaller and students lose some instructional time in transit between the school buildings and the vans.

## Interboro, Pennsylvania School District

### School Year 1986/87 Student Population (K-12)

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 3,006 | 305 | 10 |
| Private School | 697 | 33 | 5 |
| Total | 3703 | 338 | 9 |

### Comparison of Chapter 1 Program Characteristics by School Year

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| **Grant Amount** | | | |
| Public Portion | $ 162,762 | $ 178,380 | $ 174,562 |
| Private Portion | 39,560 | 40,940 | 40,063 |
| Total | $ 202,322 | $ 219,320 | $ 214,625 |
| **Students Served** | | | |
| Public | 288 | 305 | 305 |
| Private | 70 | 35 | 33 |
| **Schools Served** | | | |
| Private | 3 | 3 | 3 |
| **Compliance Costs** | | | |
| Initial | N/A | 0 | 0 |
| Recurring | N/A | 0 | 0 |

### Service Delivery Method (School Year 1986/87)

| Delivery Method | Students Served | Number of Units | Cost |
|---|---|---|---|
| Neutral Sites | 33 | 2 | 0 |

## INTERBORO (PROSPECT PARK), PENNSYLVANIA

### Background

In school year 1986-87, the Interboro school district had about 3,000 students, and about 700 more attended Catholic schools. The district's Chapter 1 program for 1986-87 served about 300 public school students and about 35 students attending Catholic schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided remedial reading services to about 70 students on the premises of three Catholic schools.

The district Chapter 1 coordinator anticipated the outcome of the Aguilar case and began planning in the spring of 1985 to use space in the school district's administration building as an alternative service delivery method. (The administration building is a former school and is also used for state-funded remedial instruction programs.) The Catholic school principals agreed to the alternate delivery method in August 1985, and Chapter 1 classes started in October 1985 after about a 2-week delay to arrange bus schedules.

The primary factors considered by the school district were cost and the need to comply with the law, while the chief concern of the Catholic school principals was to minimize disruptions to their instruction schedule. As a consequence, no other delivery methods were seriously considered; **vans** were too costly, and using a room in a convent as a **neutral site** would have been illegal according the Interboro's legal interpretation.

To accommodate the private school principals' concerns about minimizing schedule disruptions, the district agreed to schedule Chapter 1 classes before or after the regular school day.

### Impact of Aguilar Decision

The Supreme Court's decision caused only a brief break in service and no increased Chapter 1 cost. Classes started about 2 weeks late in 1985, and the district established a policy to use all its Chapter 1 money for instruction, so it provided the classroom space and student busing out of its general funds.

The major effect has been about a 50-percent decrease in participation. According to the Chapter 1 coordinator, the drop is attributable to the following factors:

-- Some parents objected to the time lost in transportation and the longer school day when their children would travel to the district administration building for Chapter 1 classes. (He noted, however, that their objection did not involve being bused to a public school per se, since the parents regard the administration building as a neutral site.)

-- Other parents removed their children from Chapter 1 in favor of a state-funded remedial program, which is held in the same building; it offers instruction in several subjects, while Chapter 1 teaches reading only. These parents decided that since their children had to leave the parochial school for remedial instruction, they should take advantage of the full range of courses.

**Views of Public and Private School Officials**

School district and private school officials compared Chapter 1 program quality factors before and after the Aguilar decision. They offered the following opinions:

-- As noted above, **pupil participation** has decreased by about 50 percent.

-- They believed that it is too early to tell whether the decision has affected **pupil achievement**.

-- **Transit time** has increased; busing takes 5 to 15 minutes depending on the route and the traffic.

-- There was no change in Chapter 1 **cost per pupil**; the district provides the busing and classroom space from its general funds.

-- There was some concern that the **quality of service** may have decreased. Parochial school and Chapter 1 teachers are now physically separated and can no longer readily communicate about their students. Additionally, the class schedule was changed from three 30-minute classes weekly to two 45-minute classes to minimize busing, but there are indications that more frequent classes of shorter duration work better for Chapter 1 students.

The school district hopes that pupil participation will return to pre-*Aguilar* levels over the next few years as parents and parochial school officials realize that dedicated teachers are still providing a good Chapter 1 program, even if it is not in the private school building.

## Greater Johnstown, Pennsylvania School District

**School Year 1986/87 Student Population (K-12)**

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 4,479 | 1,076 | 24 |
| Private School | 1,288 | 327 | 25 |
| Total | 5,767 | 1,403 | 24 |

**Comparison of Chapter 1 Program Characteristics by School Year**

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| Grant Amount | | | |
| Public Portion | $ 581,000 | $ 620,000 | $ 562,000 |
| Private Portion | 155,000 | 172,000 | 208,000 |
| Total | $ 736,000 | $ 792,000 | $ 770,000 |
| Students Served | | | |
| Public | 1,134 | 1,184 | 1,076 |
| Private | 538 | 329 | 327 |
| Schools Served | | | |
| Private | 6 | 5 | 5 |
| Compliance Costs | | | |
| Initial | N/A | $ 24,000 | 0 |
| Recurring | N/A | 0 | $ 16,000 |

**Service Delivery Methods (School Year 1986/87)**

| Delivery Methods | Students Served | Number of Units | Cost |
|---|---|---|---|
| Neutral Site | 16 | 1 | 0 |
| Trailers | 311 | 4 | $ 16,000 |

## GREATER JOHNSTOWN, PENNSYLVANIA

### Background

In school year 1986-87, the Greater Johnstown school district had about 4,500 students; another 1,300 students attended private schools. The district's Chapter 1 program served about 1,100 of its public school students and about 330 of the private school students.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided remedial reading and math services to about 538 private school students on the premises of their schools.

The Johnstown Chapter 1 coordinator and the private school principals began negotiating to find alternate service delivery methods shortly after the Aguilar decision. The prime factor involved in selecting a method was to provide service to children; other considerations included cost, feasibility, parental opposition, and student safety. The school district and private school principals agreed in October 1985 to use trailers (sited on small plots of ground purchased from the private schools) as the primary service delivery method; they believe it was the least disruptive way of teaching students and offered the best combination of the other factors under consideration. Three of the four trailers were in service before the end of the 1985-86 school year, and the other was ready for the 1986-87 school year. The district supplemented the trailers with one neutral site serving 16 students, which was placed in service in October 1985.

The school district and principals considered several methods, but rejected them wholly or partially for the following reasons:

- -- **Vans** and **homebound instruction** would cost too much.
- -- Suitable **neutral sites** were generally unavailable and/or costs to renovate them were too high.
- -- Using **public schools** would mean excessive transportation time and lost instruction time. Also, parents were opposed.

-- **TV/computer/telephone** instruction was an unproven and costly technology and needed time to evaluate and implement properly. (Using the trailers "bought time" for the district to study this option further without being pressured to implement something quickly and possibly make an expensive mistake.)

**Impact of Aguilar decision**

The Supreme Court's decision had the following effects on the Greater Johnstown school district's Chapter 1 program for private schools:

-- Students received testing service in September and October 1985, then received diagnostic/prescriptive instruction--which involved home study of individual learning packets--until February 1986 (when a court stay permitted the district to resume service on private school premises). Private school principals said the diagnostic/prescriptive instruction was inadequate because there was no person-to-person teaching.

-- Although the chosen method could accommodate all the eligible students, there was a slight decrease in participation. One private school principal with 14 eligible students decided to withdraw from Chapter 1 because of concerns about lost instructional time and student safety walking to and from the trailer. And, one student with cystic fibrosis had to be withdrawn from the program because he was unable to go outdoors to the trailer in cold weather.

-- The trailers' lease and various one-time installation costs were $17,400 and $6,600, respectively, in 1985-86; the 1986-87 lease cost is about $16,000. (The neutral site is rent-free.)

-- The Chapter 1 coordinator was unable to attend to his normal duties for about 6 months because dealing with the need to come up with an alternate service delivery method took up so much of his time.

## Views of Public and Private School Officials

Generally, the school district and the diocese were shocked and angered at what they considered the Supreme Court's insensitivity in not allowing a grace period for school districts to comply with the decision, especially with school scheduled to start soon afterward. In comparing Chapter 1 program quality factors before and after the decision, public and private school officials told us the following:

-- **Pupil participation** decreased slightly.

-- **Pupil achievement** and **quality of services** were unchanged, despite the disruptions during the 1985-86 school year, largely due to the special efforts made by the teachers.

-- **Transit time** was either unchanged or only a minor problem.

-- The **cost per pupil** has increased because of the trailers' lease and electricity for them.

-- One principal is concerned about **safety** because students must cross an alley used by cars to get to the trailer.

## Mahanoy City, Pennsylvania Area School District

**School Year 1986/87 Student Population (K-12)**

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 1,325 | 135 | 10 |
| Private School | 290 | 15 | 5 |
| Total | 1,615 | 150 | 9 |

**Comparison of Chapter 1 Program Characteristics by School Year**

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| **Grant Amount** | | | |
| Public Portion | $ 117,265 | $ 100,645 | $ 103,362 |
| Private Portion | 13,162 | 14,076 | 8,860 |
| Total | $ 130,427 | $ 114,721 | $ 112,222 |
| **Students Served** | | | |
| Public | 98 | 125 | 135 |
| Private | 10 | 0 | 15 |
| **Schools Served** | | | |
| Private | 1 | 0 | 1 |
| **Compliance Costs** | | | |
| Initial | N/A | --- | $ 5,000 |
| Recurring | N/A | --- | 0 |

**Service Delivery Method (School Year 1986/87)**

| Delivery Method | Students Served | Number of Units | Cost |
|---|---|---|---|
| Mobile Vans | 15 | 2 | $ 5,000 |

## MAHANOY CITY, PENNSYLVANIA

### Background

In school year 1986-87, the Mahanoy City area school district had about 1,300 students, and about 300 other children attended one Catholic school. The district's Chapter 1 program for 1986-87 served about 135 public school students and 15 students attending the Catholic school.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided remedial reading and math instruction to 10 private school students on the premises of the Mahanoy City Catholic school.

The school district Chapter 1 coordinator and the Allentown diocese began negotiations in late September 1985 to find an alternative service delivery method. They agreed in spring 1986 to use vans and teachers contracted from the Schuylkill County intermediate school unit. It took that much time to reach agreement because neither of the parties was willing to compromise from their original offers. After agreement was reached, the contracted vans could not be placed in service until October 1986 because the intermediate unit had to obtain the vans and recruit the teachers.

Other potential delivery methods were rejected because:

- -- The diocese and private school principal would not accept instruction in the **public school**. They said it would increase transit time, decrease instruction time, and break communication between public and private school teachers about their students.
- -- It would cost too much for the school district to buy and maintain its own **van**.
- -- There was no suitable **neutral site** available.

### Impact of Aguilar Decision

As a result of the Supreme Court's decision:

- -- Private school students did not receive personal instruction for the entire 1985-86 school year or for the first month of the 1986-87 year. Although the district provided diagnostic/prescriptive service--which involves home study of individual learning packets--both public and private school officials regarded the 1985-86 year as essentially a break in service because the children who were asked to study take-home packets were those who needed personal instruction from a teacher.

-- The private school students are receiving fewer hours of remedial reading and mathematics instruction than their public school counterparts. Although the contract with the intermediate school called for providing as much instruction to private school students as public school students receive, the vans' schedules were so crowded that they could provide only 90 minutes each of remedial reading and math instruction weekly to Mahanoy City's private school students. In contrast, public school students received 150 minutes weekly. The diocese has accepted the lower level of instruction as a compromise.

-- The contract with the intermediate unit for vans and teachers is costing the district $5,000 for the 1986-87 school year.

### Views of Public and Private School Officials

In comparing Chapter 1 program quality factors before and after the Aguilar decision, the Chapter 1 coordinator and private school principal told us:

-- There has been a decrease in **pupil participation** from the standpoint that private school students are receiving less reading and math instruction than their public school counterparts.

-- They have not seen any change in **pupil achievement.**

-- **Transit time** has increased because of the need to move children back and forth between the vans and the school.

-- The **cost per pupil** has increased because of the need to contract with the intermediate school to provide vans and teachers.

-- The **quality of service** has decreased. The Chapter 1 coordinator commented that 1985-86, when children had only diagnostic/prescriptive services, was "a lost year."

## Philadelphia, Pennsylvania School District

**School Year 1986/87 Student Population (K-12)**

| School | Total District | Chapter 1 | Percentage |
|---|---|---|---|
| Public School | 194,791 | 71,826 | 37 |
| Private School | 78,700 | 4,950 | 6 |
| Total | 273,491 | 76,776 | 29 |

**Comparison of Chapter 1 Program Characteristics by School Year**

| Program Characteristics | 1984 - 1985 | 1985 - 1986 | 1986 - 1987 |
|---|---|---|---|
| **Grant Amount** (Millions) | | | |
| Public Portion | $ 38.6 | $ 41.5 | $ 41.1 |
| Private Portion | 4.8 | 5.0 | 3.9 |
| Total | $ 43.4 | $ 46.5 | $ 45.0 |
| **Students Served** | | | |
| Public | 67,995 | 69,414 | 71,826 |
| Private | 9,828 | 9,525 | 4,950 |
| **Schools Served** | | | |
| Private | 54 | 55 | 49 |
| **Compliance Costs** | | | |
| Initial | N/A | $ 2,500,000 | $ 350,000 |
| Recurring | N/A | 0 | $ 1,200,000 |

**Service Delivery Methods (School Year 1986/87)**

| Delivery Method | Students Served | Number of Units | Cost |
|---|---|---|---|
| Neutral Site | 50 | 1 | 0 |
| Mobile Vans | 3,900 | 65 | $ 1,200,000 |
| Computers | 1,000 | 120 | $ 350,000 |

## PHILADELPHIA, PENNSYLVANIA

### Background

In the 1986-87 school year, the Philadelphia school district had about 195,000 students, and about 79,000 more students attended Catholic schools in the city. The district's Chapter 1 program for 1986-87 served about 72,000 of its public school students and about 5,000 of the students attending Catholic schools.

### Chapter 1 Service Delivery Methods

In the 1984-85 school year, the district provided remedial reading and math services to about 9,800 students on the premises of 54 Catholic schools.

Almost immediately after the Aguilar decision, the Philadelphia school district and the Catholic archdiocese began negotiating to find alternate service delivery methods. According to district officials, the factors they considered in selecting a new service delivery method were: the need to continue to provide services to as many students as possible, the time required to implement the method(s) chosen, cost, and availability.

The school district and archdiocese agreed to use mobile vans as the primary delivery method in November 1985. District officials told us it took that much time to decide because of a lack of clear guidance (especially with regard to whether portable units could be placed on the grounds of private schools) and the need to consider the availability and feasibility of neutral sites and paired schools. After reaching agreement, the district developed the specifications and competitively procured 65 vans in time to serve about 4,000 students for the 1986-87 school year. The district supplemented the vans with one neutral site serving 50 students and an experimental computer-assisted instruction program serving another 1,000 students; these were placed in service in November 1985 and January 1987, respectively.

School district officials told us they considered a number of other methods, but rejected them in whole or in part for the following reasons:

- Trailers: This was the district and archdiocese's initial--and preferred--choice, based on several years' experience with them in connection with a state remedial instruction program. However, the August 1985 guidance received from the federal and state departments of education defined private school "premises" as extending to the curb and precluded using trailers parked on private school grounds; the school district thus felt forced to use vans even though they regarded them as too costly. (By the time the Department of Education issued its revised June 1986 guidance that allowed placing relocatable classrooms on leased private school property, the Philadelphia school district had already contracted for vans.)

- Public schools: There was a general lack of space in public schools; only 13 of 52 paired schools had room. In addition, there were concerns regarding student safety in transit and lost instructional time.

- Neutral schools: Suitable sites were generally unavailable and/or renovation costs to bring them up to building code requirements for schools were high. Student safety in transit and lost instructional time were also concerns.

- Computer-assisted instruction: The district was concerned about the time it would take to resolve its uncertainties about which packages were best and would meet legal requirements for monitoring and data collection.

### Impact of Aguilar Decision

The Supreme Court's decision had the following effects on the Philadelphia school district's Chapter 1 program for private schools:

- Private school students received no Chapter 1 instruction from October 1985 until late February 1986 (when a court stay permitted the district to resume service on private school premises until the end of the school year). District officials commented that the break in service occurred because of the time required to decide upon the use of vans and then procure them. The district conducted a summer school program to help make up the lost time. However, one private school principal told us that reading levels did not increase at the same rate they would have if the Chapter 1 teacher had been there the whole year.

-- The combination of service delivery methods was able to accommodate only about 5,000 of 8,200 private school students eligible to receive Chapter 1 services for the 1986-87 school year. School district officials told us this situation existed because of the vans' cost, their interior space limitations, and lack of space to park them at some schools. For example, at one school only 80 of 300 eligible students were receiving service. The one van at this school was parked on the sidewalk, and there was no playground or other space on which to place more vans or trailers.

-- The district spent about $2.5 million in the 1985-86 school year to purchase 65 vans, and district officials estimate they will spend another $1.2 million annually to operate and maintain the vans. (In contrast, they estimated that trailers would have cost between $750,000 and $1.2 million with minimal operation and maintenance costs.) Further, the district paid $350,000 in the 1986-87 school year to rent computer-assisted instruction hardware and software while evaluating this potential delivery method.

-- The district provided remedial math instruction to only about 750 of 7,000 eligible students, because of the cost and space constraints discussed above.

**Views of Public and Private School Officials**

In general, school district and archdiocesan officials told us that the Supreme Court decision showed no concern for the education of children. They compared Chapter 1 program quality factors before and after the decision and offered the following opinions:

-- The decision has caused a decrease in **pupil participation**, with only about 5,000 of 8,200 eligible private school students receiving reading services, and 750 of 7,000 receiving mathematics, in 1986-87.

-- While the school district is unsure about the decision's impact on **pupil achievement**, the archdiocese believes it has decreased because most students now receive only reading instruction; previously, they also received math.

-- School district officials believe there has been no additional **transit time**. However, archdiocesan officials and Chapter 1 teachers cited increases ranging up to 10 minutes.

- -- The **cost per pupil** has increased because of the purchase of the vans and their upkeep.

- -- The **quality of service** has generally decreased, because fewer students are receiving less service, the vans are crowded, and there are disruptions in service that did not occur in the private school buildings.

- -- There are **safety concerns** about students having encounters with street people or falling on ice in winter when walking from their school buildings to the vans.

The district plans to resume reading and mathematics service to eligible private school students in September 1987 by expanding computer-assisted instruction to students not receiving instruction. Preliminary reports about the pilot program have been favorable.

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GAO/HRD-87-108, 7/20/87

**Compensatory Education:**
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GAO/HRD-87-26, 1/30/87

**School Dropouts:**
The Extent and Nature of the Problem
GAO/HRD-86-106BR, 6/23/86

## TESTIMONY

**Education's Chapter 1 and 2 Programs and Local Dropout Prevention and Reentry Programs** (Statement of William J. Gainer, Associate Director, Human Resources Division, General Accounting Office, before the Subcommittee on Elementary, Secondary, and Vocational Education, House Committee on Education and Labor)
GAO/T-HRD-87-2, 3/3/87

**The School Dropout Problem** (Statement of William J. Gainer, Associate Director, Human Resources Division, General Accounting Office, before the Subcommittee on Elementary, Secondary, and Vocational Education, House Committee on Education and Labor)
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